

Term Limits

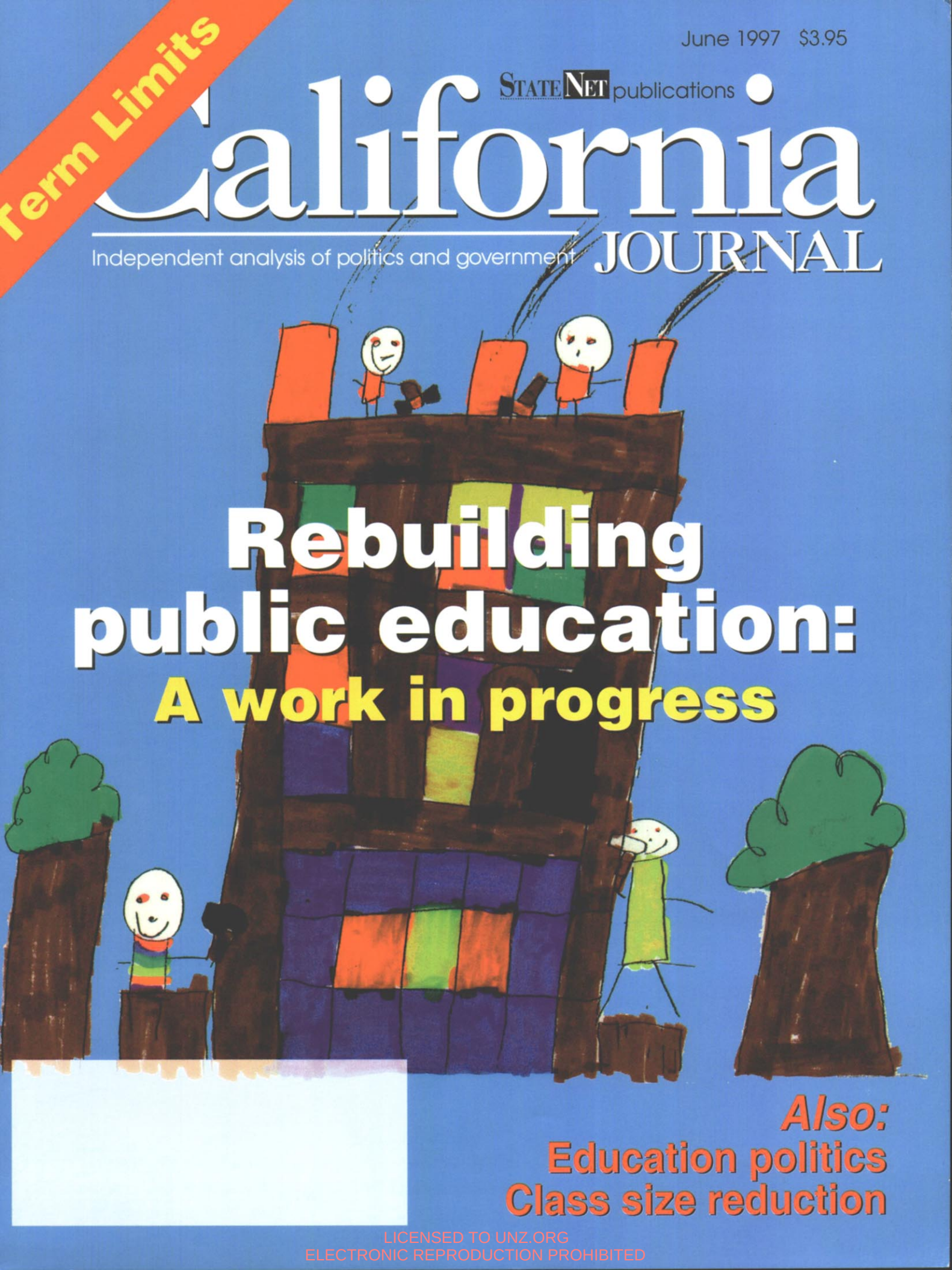
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JOURNAL



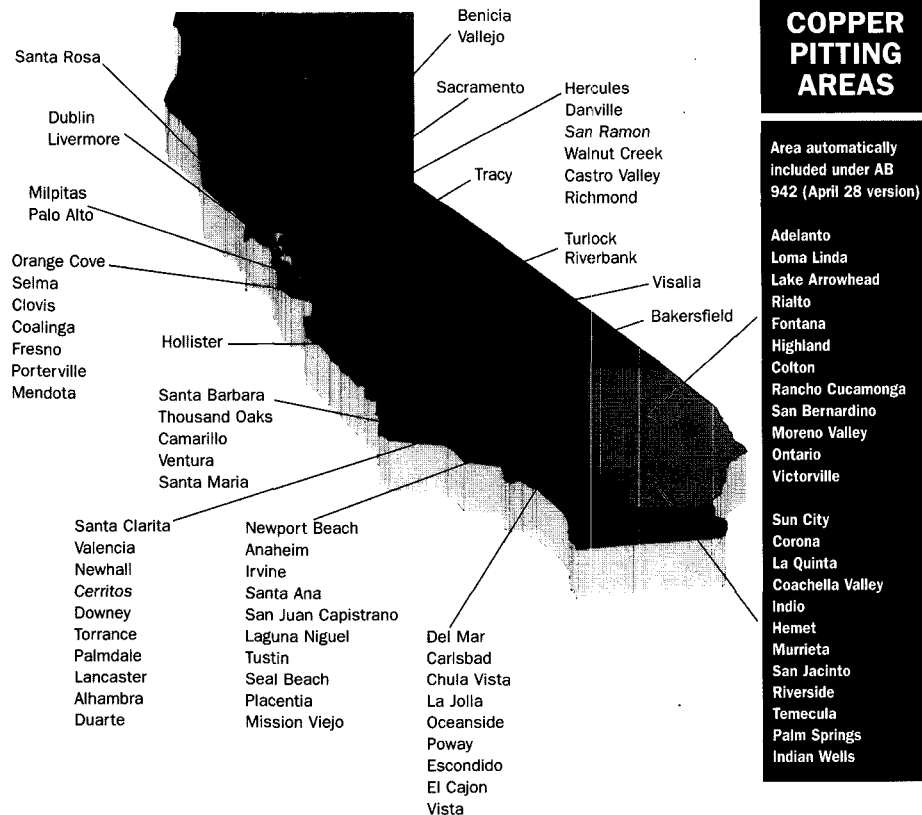
Rebuilding public education:

A work in progress

Also:
Education politics
Class size reduction

**“How can
we say to a
community
that doesn’t
happen to
be in
San Bernardino
or Riverside
Counties that
it does not
deserve
the same
[CPVC pipe]
waiver.”**

– Assemblyman Gary Miller



Why would state legislation providing waivers allowing CPVC pipe use apply to only a few of the communities with copper pipe pitting problems? It doesn't make sense to anyone – beginning with the majority of the Assembly Housing and Community Development Committee. On April 16, the committee agreed to a verbal amendment to AB 942 (Miller) which would have made CPVC pipe available to all communities that could demonstrate the need for this essential product.

Add to that, the comments by the California League of Cities.

“We believe that all cities with copper pipe pitting problems should have the same options available to them to solve the problem of copper pipe deterioration.”

The Coalition for Consumer Choice agrees. Unfortunately, the April 28 version of the bill denies homeowners in dozens of communities the opportunity to permanently fix failed copper plumbing without further delay.

We can't allow special interest politics to stand in the way of good public policy. Support Assemblyman Miller's efforts to end shameful discrimination in the availability of high quality, low-cost CPVC pipe. AB 942 must provide relief for all cities in need.



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ELECTRONIC REPRODUCTION PROHIBITED
YES on CPVC pipe. YES on AB 942.

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Class-size Reduction

A plan to put no more than 20 to a class in the early primary grades has become the most popular education initiative in the last two decades.

By Steve Scott

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Education Governance

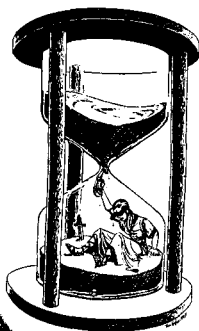
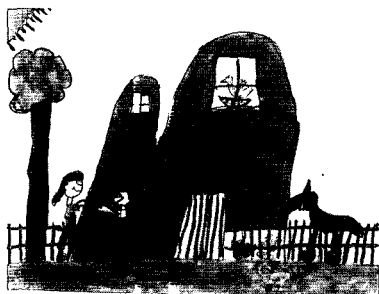
The byzantine system that manages education at the state level is a maze of cross-cutting authorities and conflicting political and policy agendas.

By Sigrid Bathen

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Welfare Comparison

A run-down of the key components of three major proposals to implement the 1996 federal welfare reform law.



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A Tale of Two Districts

A comparison of two school districts — one successful, one not — shows the difference leadership can make.

By Michael Fitzgerald

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Term Limits

A federal judge's decision striking down California's six-year-old term limit law raises questions about whether, and in what form, term limits will continue.

By John Borland

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Jockeying for '98

Everybody knows who's running for governor. But what about all those other statewide offices? How do people decide whether to run, and for which office?

By Noel Brinkerhoff



Up Front
Rostrum
The Bottom Line
Washington Perspective

Up Front

Rostrum

The Bottom Line

Washington Perspective

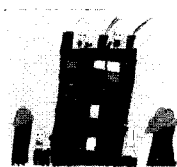
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COVER



This month's cover art, as well as that for all of the stories dealing with education, was produced by Marjorie Sahs' first-grade class at John Erhardt Elementary School, in the Elk Grove Unified School District near Sacramento. The theme of all the drawings is, "What Will I Be When I Grow Up." About his cover drawing, Dylan Perry writes, "This is me, and I am building an apartment. I am an architect and I designed the building. These are my friends. They are hammering and making the chimney. I am getting the wood."

Upfront umbrage

With friends like this... The recent television advertising campaign in support of tribal gambling might well be re-dubbed "Action Heroes for Indian Gaming." First, it was Steven Seagal who, wearing Indian attire, exhorted people to protest the unfairness of state actions to curb tribal gaming. Now, Chuck Norris, a.k.a. "Walker, Texas Ranger," has done the same thing. Norris' spot points up the unfairness and the potential loss of some 12,000 non-Indian jobs. What's really interesting about the ad, though, is the fact that Norris is doing it. The Chuckster is a big booster of Governor Pete Wilson, having appeared at both of the gov's inaugural galas. Wilson is considered by the tribes to be the chief obstacle to expansion of tribal gaming, having all but frozen out efforts to negotiate gaming compacts with most of the state's tribes.

Wilson had better be careful. Losing support in the Legislature is one thing. Losing a *celebrity* is quite another.

What ever happened to... Former Assembly Speaker Doris Allen? You remember — the first woman speaker, whose nasty, brutish and short tenure as speaker ended with her eventual recall? Well, after spending a year or so licking her political wounds, Allen is back in activist mode. As the venue for her renaissance, Allen has chosen a pocketbook issue — her pocketbook, that is. Seems the one-time Madam Speaker lives in a neighborhood that's had free access to a storm drainage canal for the last 20 years. The city of Sacramento says it wants to build a new storm drain, and wants to charge the residents to help pay for it. Allen led a couple busloads of outraged citizens to

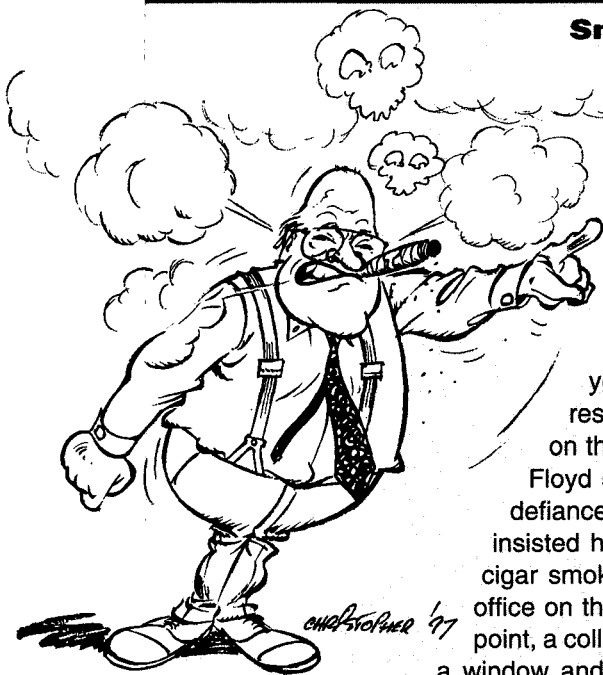
the city council meeting to protest. Allen insists she does not want to get back into politics again. Given that she is one of only three legislators this century to have been recalled, that's probably a wise career decision.

Bob's posse. Former Representative Robert Dornan (R-Garden Grove) likes to portray himself as a tough-talking, fearless, "man's man." But apparently he wasn't quite so fearless when it came to putting himself in the company of those whose citizenship he has been challenging of late. Dornan was scheduled as a witness for the Santa Ana congressional hearing called to consider his accusations about non-citizens voting in the 1996 election that cost him his congressional seat. A letter sent to the Orange County Sheriff's Department from Dornan's lawyer, Mike Schroeder, insisted on a near-presidential security detail for Dornan from the moment he and his 10-member entourage leave the attorney's office. The letter requested a security detail at the elevator, an extensive "exit plan," and metal detectors at all entrances. Dornan himself hired armed, off-duty marshals as additional protection. Needless to say, the sheriff's office was somewhat put out by the paranoia. They said "no" to the metal detectors, "no" to the excessive security attention to Dornan, and "no" to the Dornan team's plan to have deputies "retreat to the fifth floor for a debriefing with security." Said Assistant Sheriff Dennis La Ducer: "At the end of it they can retreat anywhere they want. I'd like for them to retreat home."

Smoke alarms.

There's a rule at the state Capitol that nobody is allowed to smoke anywhere inside of it. Not in offices, not in the cafeteria, not anywhere. Well, it was only a matter of time before that rule collided with the world view of Assemblyman Richard Floyd (D-Hawthorne). Floyd, one of five former members who returned to Sacramento this past year, has chafed at previous smoking restrictions. When smoking was banned on the Assembly floor in the late 1980s, Floyd sat in the back and puffed away in defiance. When he returned this year, he insisted he'd kicked the habit, but somehow cigar smoke seems to find its way out of his office on the fourth floor of the Capitol. At one point, a colleague spotted him smoking through a window and tweaked him about it. Floyd's response was to close the blinds. According to the alternative weekly *Sacramento News and Review*, Floyd was less discrete when confronted about the issue by a journalist. "It's none of your [expletive] business," Floyd told the paper's reporter. "Get your ass out of here before I kick it. My personal life is none of your business." Obviously, age has not lessened Floyd's immense store of personal charm and finesse.

Bawdiness by the Bay. The birthday bash for Bay Area political consultant Jack Davis had everything: food, alcohol, a guest list stocked with luminaries, including "Da Mayor" himself, Willie L. Brown Jr. So how did the gathering come to be a party which the *Los Angeles Times* said proves that "even San Francisco can blush?" Well, maybe it was the paid entertainment. A procession of strippers, male and female. A



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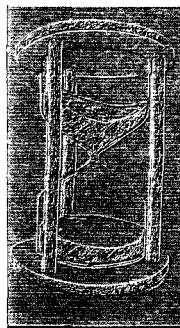
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By the numbers.

As legislators continue to fulminate over how to respond to a federal court decision overturning term limits, it again merits noting the degree to which term limits have already affected the legislative landscape. Looking just at the relative level of experience between the pre- and post-Proposition 130 Assembly is striking. The collective experience of the 54 non-freshman members of the Assembly amounts to 176 years. That's 176 years of total prior experience in a body of 80 members. Included in that figure are the 54 years of combined experience residing in the five former members who returned to the body in 1996. Excise these members, and the collective experience for the remaining 75 Assembly members is a mere 122 years — an average of 1.6 years per member. By way of comparison, the combined tenure of the ten most experienced members of the last pre-term-limit session (1995-96) was over 200 years. And across the hall, the collective legislative experience of the 40 members of the Senate is 544 years. All but 8 of the 40 senators had some experience in the Assembly.



Experience Gap

Chamber	Members	Experience (years)	Average per member
Assembly	80	176	2.2
Senate	40	544	13.6

300-pound "entertainer" performing a live sex act. And, for the grand finale, a pair of Satanic performance artists whose depiction of how native Americans were brutalized by alcohol, well, stretched the boundaries of "artistic license." When the story broke, of course, the luminaries were full of sheepish rationalizations. But, in true San Francisco fashion, the major issue of concern was not the fact that their city's political leaders were anywhere near the peripheries of such depravity. No, the big concern was whether the controversy might affect a ballot measure to build a new stadium complex. Davis, you see, is the consultant running the campaign for those supporting the stadium. Of course, to be fair, there were some expressions of genuine shock, notably from one gay activist who has been working as a volunteer for the stadium project. "[Religious conservative leaders] Ralph Reed and Jerry Falwell love to read this stuff every time," he said. "It makes us all look like fools and perverts."

Suddenly Willie. It appears rowdy parties are not "Da Mayor's" only indulgences. Viewers of the NBC sitcom "Sud-

denly Susan," had the opportunity to see Brown participating in a high-stakes poker game held by one of the show's main characters, a magazine editor played by Judd Nelson. Also sitting in on the TV game was Donald Trump. Over the course of the game, Trump tries to convince Nelson's character to move his publication to New York. Brown, however, presses to have it stay in San Francisco. After all, joked the mayor at one point, there are "30 percent fewer street mimes since I became mayor." Those who have followed Brown's acting career are well aware that, while speaker of the Assembly, he made a brief appearance in "Godfather III." 🏠

"It is essential to the triumph of reform that it should never succeed."

— William Hazlitt

Rostrum

letters

Tobacco update

Since your article on California's anti-smoking media campaign (*CJ*, April 1997) came out just before the release of the first wave of our 1997 advertisements, I'd like to respond to the question left unanswered regarding the Wilson administration's commitment to taking on the tobacco industry in this campaign.

The fact is that this campaign includes some of the most hard-hitting ads ever produced by California's tobacco control program. All of the ads were based on extensive market research about what strategies would be most effective in reaching the campaign's target audiences. Of the six television spots that hit the airwaves in late March, three continue the campaign's traditional strategy of countering pro-tobacco influences. Using compelling and memorable imagery, these spots expose the manipulative advertising and promotional tactics used by the tobacco industry in marketing its products, particularly to youth. This theme is also the focus of one of our new radio ads.

Considering that several of the ads in this new campaign directly attack the tobacco industry, there should be no question that Governor Wilson remains wholly committed to aggressively and effectively tackling the number one public health problem in California.

S. KIMBERLY BELSHE
Director
Department of Health Services

Farm aid

Regarding your recent article "Strawberry Fields Forever," (*CJ*, May 1997), I was generally pleased with the balance of the story and the description of the homebuilding industry's efforts to forge compromises with local farming interests and elected officials. I am concerned, however, with what clearly is a misquote. Your quote of me: "The claim that ag land is taken out of production by urbanization is inaccurate" is inaccurate. As I said in the interview, some land is taken out of

agricultural production for urban use, but that's a much smaller percentage than land converted to other uses, including other agricultural.

The follow-on quote, "Our research finds that the issue of farmland consumption is not based on fact" is also inaccurate. The statement I made on this issue, but which was not presented in your story, reflected the research done by Dr. Steven Hayward of the Pacific Research Institute — and found in the California Department of Conservation's Farmland Mapping and Monitoring Program reports — which shows that not all agricultural land taken out of production is due to urbanization and that claims to the contrary are not based on fact.

With this exception, I believe your story was balanced and presented the core conflicts that arise, and reveals a growing interest among all the stakeholders to work together in an effort to resolve those conflicts.

TIMOTHY L. COYLE
Senior Vice President
California Building Industry
Association

The cover story of your May issue ("Strawberry Fields Forever") is certainly well-titled. Indeed, my recollection is that the following lyric of this tune in praise of drug-induced mind-altering was "nothing is real."

You might scrutinize the data from the state's Farmland Mapping and Monitoring Program, which, for example, shows that between 1984 and 1992, only 10 square miles of land in Fresno County was converted from cropland to other uses. This hardly justifies the hothouse crisis rhetoric we hear from the American Farmland Trust, cited in the story. The state's data simply does not support the alarmist and Malthusian-inspired claims about "running out of land."

STEVEN HAYWARD, Ph.D.
Vice President, Research
Pacific Research Institute
for Public Policy

Coastal notes

Regarding the recent story about the Coastal Commission (*CJ*, March 1997), the following should be noted.

- Despite the Wilson administration's prominence in the story — and the commentary on our substantial record on coastal issues — no effort was made by the *California Journal* to obtain comment from the Wilson administration.

- In February, Governor Pete Wilson, the U.S. Interior Department, and others announced an historic \$90 million agreement for the public acquisition and restoration of 880 acres of degraded coastal wetlands at Bolsa Chica in Orange County. This deal, which had eluded conservationists for over 20 years, will create the largest publicly owned coastal wetland reserve in Southern California.

- Rather than a "paring back [of the Coastal] Commission's authority over coastal matters," the governor's current coastal initiative seeks to fulfill the objectives of the Coastal Act of 1976 by encouraging the preparation and approval of Local Coastal Plans, precisely as the act envisioned.

- The governor's coastal initiative also is designed to build on the 15 percent increase in functioning wetlands acreage over the past four years and to place state and federal wildlife professionals — rather than private firms — in the position of determining where, how and when wetlands are acquired and restored.

- While the story cites an unsuccessful effort in the 1980s to fire the executive director of the Coastal Commission, Michael Fischer, it is noteworthy that Governor Wilson's appointees to the Coastal Conservancy hired Fischer as executive director of the Conservancy in 1994 and that he continues to do important and effective work in that position today.

DOUGLAS P. WHEELER
Secretary
Resources Agency

Small Business, Industry, Utilities, Agriculture, Labor, Consumers, Environmentalists, the State Legislature and the Governor all agree . . .

California's electric restructuring legislation will pave the way for
customer choice, lower rates and reliable service.

Congress of the United States
House of Representatives
Washington, DC 20515

March 20, 1997

Honorable Tom Bliley
Chairman
House Committee on Commerce
2125 Rayburn
Washington, DC 20515

Dear Chairman Bliley:

As you know, on September 23, 1996, the Governor of California signed into law a landmark piece of legislation which was passed unanimously by both houses of the California legislature. This measure provides for the nation's first fully competitive electric utility system.

This historic legislation, Assembly Bill 1890, was the result of months of careful study, thoughtful consideration and intensive deliberation by a broad-based coalition of stake-holders. Historically, in California, it has been difficult to accommodate divergent views on this and other issues. AB 1890, however, is a shining example of success. The final product is supported by manufacturers, consumer groups, environmental groups, labor, and the state's electric utilities.

The new law provides for customer choice to begin on January 1, 1998, and to be fully implemented by the year 2002. This will ensure that all electricity consumers, both large and small, benefit from rate reductions resulting from competition. It will improve the reliability of service, advance the state's environmental concerns, and ensure the financial soundness of the system by allowing utilities the opportunity to recover their stranded costs during the transition without additional costs to the consumer. In short, it will provide tremendous benefits to the citizens of our state as well as those who choose to do business in California. We are justifiably proud that California, which represents the seventh largest economy in the world, is again the vanguard of an unfolding issue. During the 105th Congress, the House Committee on Commerce is poised to take up the issue of electric utility restructuring from a national perspective.

We believe that the decisions made in California on utility restructuring and competition are the right ones for our state, and must have the opportunity to be fully implemented. We trust and expect that this view will be respected as the legislative process moves forward in Congress.

Sincerely,

Jerry Lewis

Lucille Roybal-Allard

cc: Speaker Gingrich
Minority Leader Gephardt
Congressman Dingell
Congressman Scheffer
Congressman Hall

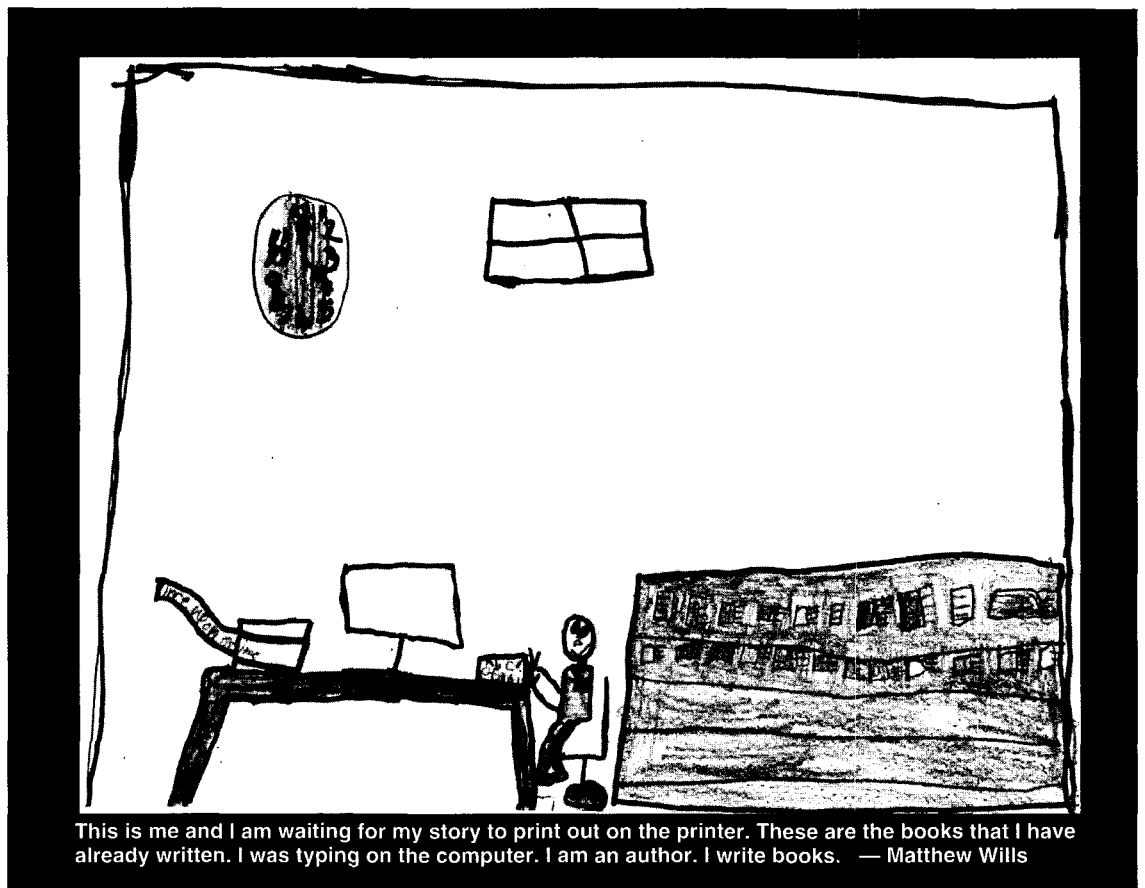
And now, so does the entire 52-member California Congressional Delegation

California's electric industry restructuring plan -
a responsible transition to a competitive market.

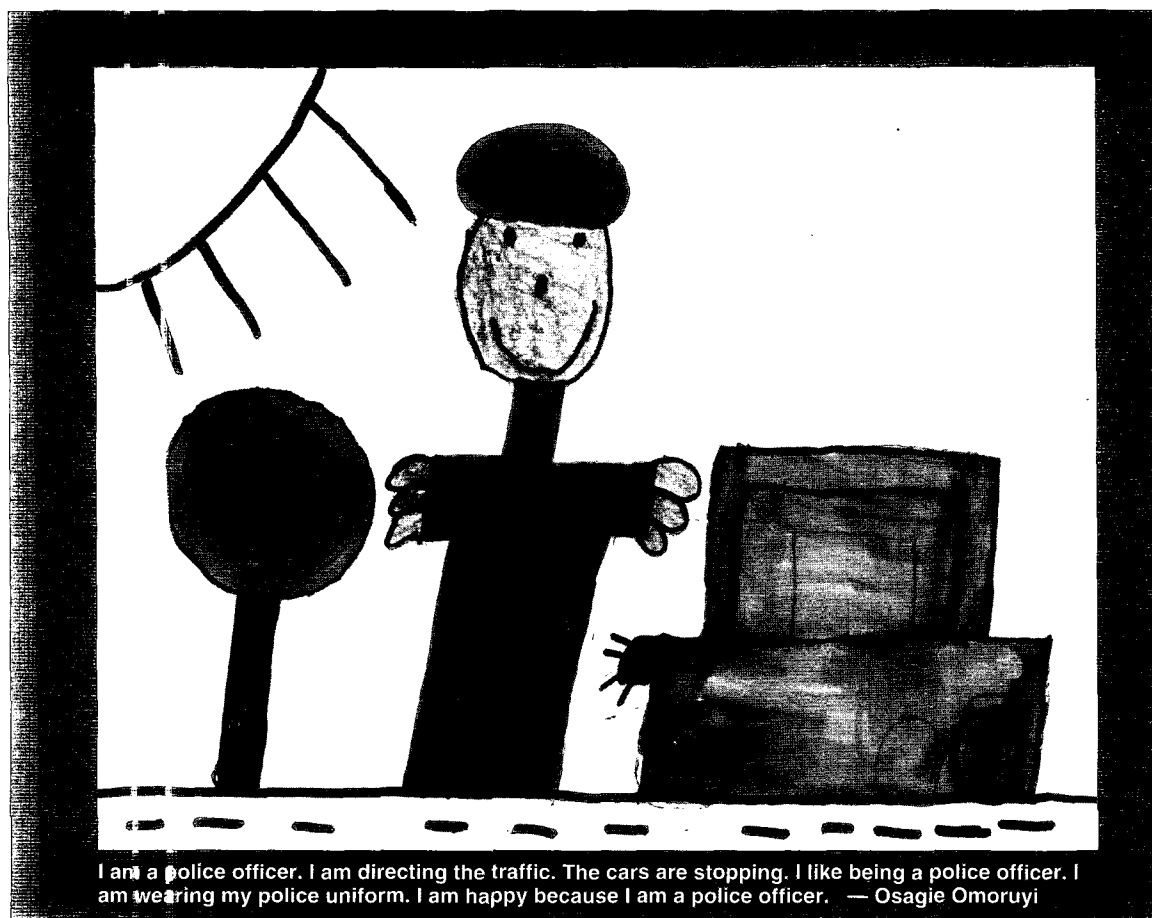
Doing more

Born of an effort to gain political advantage, California's class-size reduction has hit a home run with educators and parents alike. But are there enough buildings, teachers, and money to sustain it over time?

By Steve Scott



with less



The muffled scratch of pencil lead on coarse lined paper is the response which greets teacher Jacquie Cranston as she recites the week's study words to her second grade class at Hillside School near Sacramento. The 19 children squirm with the invisible tension possessed of all young children, but they are also quiet and listening to their teacher. As she recites each spelling word, Cranston makes a slow circular sweep through the middle of the horseshoe-shaped desk arrangement, glancing at every paper as she strolls by. When the time comes to reveal the correct spelling, she is able to note that many missed a particular sequence of letters.

As the spelling test ends, and a new round of words is assigned, Cranston directs her attention to a new student, bundled in her coat as if plotting an escape route. Instructing her on the form at for writing out spelling words, the teacher kneels down next to the child and quietly administers an on-the-spot assessment of her reading skills. While she whispers

softly to the child, the other 18 children in the room — essentially on their own for the moment — keep their seats, hold their tongues, and await the teacher's return to the front of the room.

Two years ago, the prospect of teaching students 20 at a time in any California classroom seemed the stuff of fantasy. The average class size in the state's schools approached 29 students per teacher, a ratio that ranked California near the bottom among the 50 states. With a student population of more than 5 million, any attempt to reduce the average class size by even one student was prohibitively expensive, even as the revenue crunch of the early 1990s eased.

Well, times have changed for California classrooms. By spring of 1997, more than half of all eligible primary grade school children — kindergarten through third grade — were being taught in classes of 20 or fewer children. Class-size



Mia and I are picking out the vegetables and we are feeding the horse. I am a farmer. The chickens are in the barn. — Lizette Guitierrez

reduction is being hailed as *the* education reform of the last two decades in California. And for the first time in recent memory, parents and teachers are being drawn toward, rather than away from, the public school system.

"It's the best thing that's happened in my 15 years as a teacher," said Marjorie Sahs, a first-grade teacher at John Erhardt Elementary School near Sacramento.

Reviews of the new program are so uniformly glowing that Governor Pete Wilson has proposed expanding funding for the program to insure that as many K-3 children as possible are able to take advantage of it. But the rapid implementation of class-size reduction has also created an instant teacher shortage, and again called attention to a facilities crunch that, by some estimates, will require a long-term investment of as much \$40 billion.

In at least one respect, class-size reduction is truly the "accidental reform." Although education leaders of just about every stripe paid lip service to the notion that smaller classes equaled better learning, neither the Legislature nor any governor in recent memory had made class-size reduction a budget priority. The first hint that things would be different came in the governor's May budget revision last year. Wilson proposed a modest \$500-per-child incentive for schools to lower classes to 20 children in grades one and two.

Given that the actual cost to some districts would likely run twice that amount, few took the plan seriously until Wilson later proposed expanding it to three grades. While he mockingly suggested an ad campaign by the powerful California Teachers Association had convinced him, Wilson's primary motivation appeared to be to take a shot at the CTA by keeping a large chunk of roughly \$1.8 billion in new education revenue out of any program which would have allowed it to go to teacher salaries. While Democrats suggested Wilson was trying to "partisanize" the issue, they were ultimately caught in their own education rhetoric, and the plan for three grades was approved, at a rate of \$650 per student.

Notwithstanding its origins as a political maneuver, the

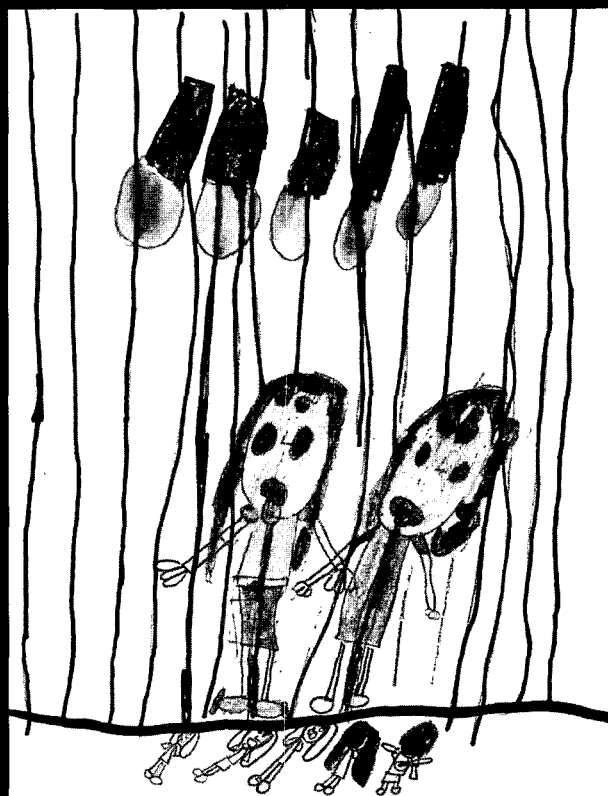
program is predicated on the simplest of notions — the fewer children a teacher has to deal with, the more time she can give to each child. That extra attention is, by nearly all accounts, most crucial in the early grades, when a child's work habits and even the brain itself, are still developing. "The younger you can get to children with enriched stimulation learning experiences, the better will be their foundation," said Dr. James A. Fleming, superintendent of Capistrano Unified School District in San Juan Capistrano.

"You learn to read in the first three grades, you read to learn from then on," said Marian Bergeson, Governor Wilson's secretary of child development and education.

In its first year of implementation, teachers from all over the state report they are anywhere from one to three months ahead of where they were last year at this time. Some have had to push into the next grade's curriculum to find new challenges for children who finished up the current year's program in February or March. "I can give more thorough and more frequent assessment, and can give immediate feedback," said first-grade teacher Sahs. "You can even do some teaching

while you're assessing."

Most teachers also report they have fewer discipline problems in the classroom. In part, this is a product of broader parental participation on a day-to-day basis. The



I am on a stage. I am singing a song. I am a singer. A big audience is listening while I am singing and the lights are shining on us. They are clapping for us. We have people that are playing instruments for us. — Jessica Cooper

prospect of teaching in smaller classes drew many teachers from the higher grades into the primary level, and attracted many private school teachers. Kim Book spent 15 years in Catholic schools, teaching to classes of 38, before moving over to Hillside School this past year.

"It took a month to get used to teaching to half the children," said Book. "I kept saying, 'Where are the rest of them?'"

From the educational standpoint, the closest thing to a problem at the school site level has come from upper grade teachers whose main question is, will our turn come? "You could see the resentment," noted one primary teacher. "It would get noticeably quiet in the lounge during that first month." Some superintendents report difficulty convincing upper grade teachers and parents that the issue is larger than simply a question of equity. Even here, though, there seems to be general agreement that teachers in higher grades will ultimately reap the benefits of a better prepared, more controlled student pool. An internal membership survey conducted by the CTA shows overwhelming support for the program even among those who likely will never see their own classes get any smaller.

"Every sixth grade teacher in California knows that if we could do a better job of teaching basic skills in third grade, it wouldn't be so big a problem that classes are bigger in sixth grade," said state Superintendent of Public Instruction Delaine Eastin.

The popularity and educational appeal of class-size reduction has made many in the education community reluctant to be too critical of the particulars for fear the Legislature might change its mind and take the program away. Nonetheless, there have been a few hiccups on the road to implementation which many educators say must be addressed if the program is to be truly successful. The three most visible issues are facilities, teacher supply, and long-term funding.

Facilities. While school districts showed a surprising amount of creativity in managing their space, dozens found themselves forced to put 40 children and two teachers together in the same room. While Hillside School teachers Ona Lee Camp and Teri Thomas were able to develop a good working groove together, others have not. "I know of situations in our district where the teachers don't even speak to each other," said Camp. "You can't just teach with anybody." The "40-2" scenario was only one of the ways districts were forced to improvise in order to get the classes down. Music rooms, computer labs, special education labs, teacher lounges, libraries, and even cafeteria space was given over to classroom activities. The music program at Hillside, for example, was shifted out of a music room and on to the stage in the cafeteria, and Cranston's second-grade class has to learn about music amid the decidedly atonal clatter of unfolding lunch tables.

The problem is especially acute in large urban districts, tiny rural districts, and rapidly growing suburban districts. In the giant Los Angeles Unified School District, said LAUSD lobbyist John Mockler, "they have 100 schools that are so overutilized, it's just impossible to bring in any more classroom space." The suburban Elk Grove Unified District near Sacramento was forced to hold off on implementing the program for any grade other than first because there just

wasn't enough space.

"In many cases what we've done is renovate classrooms, dividing two classrooms into three spaces," said Elk Grove superintendent Dave Gordon.

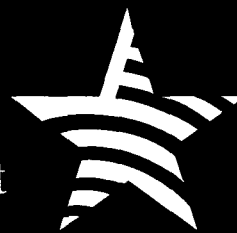
Teacher Supply. More than 18,000 additional teachers were hired this past year to accommodate class size reduction. According to a report by the Legislative Analyst's Office, these teachers were less experienced than those hired in past years. Many districts plundered their substitute pools to find teachers for the program, while others raided internship programs they'd set up to bring new teachers along slowly. In some cases, such as the San Juan Unified District near Sacramento, the administration took a chance by hiring teachers before the Legislature and the governor had even approved the class-size reduction plan.

Both Eastin and Bergeson suggest the teacher supply problem may have been somewhat overstated. Eastin maintains the number of emergency teaching credentials issued this past year is no greater than usual, and Bergeson says the supply problem "isn't nearly as significant as was touted." But the same may not be true if, as expected, the program is expanded to four full grades this coming year. The analyst says that will require the hiring of an additional 16,500 teachers, forcing many districts to recruit out of state.

"We're in Minnesota, we're in Texas, we're in Florida," said Capistrano Unified's Fleming. "The pool is drying up quickly."

Funding. Administrators complain of two problems related to funding — local flexibility and the encroachment on other locally-funded programs. Officially, class-size re-

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I am a nurse. I am taking medicine to a sick person. People are sitting in a wheelchair and lying on a bed with wheels. They are sick, too. The one that is in the wheelchair can't walk. — Stephanie Yu.

duction is an "incentive program," something that districts are being encouraged, but not required to do. Since it was not a formal mandate, legislators had the political cover for not paying districts for the entire cost of the program. But the overwhelming popularity and common sense of the program have made it something of a *de facto* mandate, and school officials worry that, as newly hired teachers move up the pay scale, the program will consume more and more of the resources available for other grade levels. Elk Grove's Gordon says his district was forced to eat 14 percent of the cost, and the encroachment could swell to as much as 31 percent if nothing changes.

"The program doesn't pay for itself, and as a consequence, we have to encroach on other district programs," said Gordon. "If that continues, there's no way we can maintain the program over time."

In addition to the general funding issue, many district superintendents complain about the rigidity of the 20-to-1 prescription. The implementing legislation imposes a severe penalty for any class that rises above a maximum of 20 students. For some small districts, this makes it almost impossible to take advantage of the program, as one new mid-year transfer could wipe out all the funding. "You can't get a new facility, and you cannot be creating a lot of combination classes at that point," notes David Walrath with the Small School Districts Association. "In those situations, the districts are at tremendous fiscal risk." District superintendents have proposed allowing the 20-to-1 ratio to be averaged throughout a school district, with a cap of 22 per class. This change is unlikely, though, as neither the Wilson administration nor Superintendent Eastin support it.

On the overall funding question, however, there appears to be some encouraging news. Revenue estimates as of early May indicate the state will have about \$2 billion more than expected for the coming budget year, thanks to an improving state economy. Governor Wilson has proposed funding all four grades at \$800 per student, the figure which

has become the accepted definition of "full" funding. Although even at this rate, many districts will have to swallow a portion of the cost, Mockler says at \$800 per student "you solve everybody's problem of messing around with higher grades' funding."

Solving the per-student funding issue still leaves the larger question of where to put all these new classes. While schools won't be allowed to double up at 40-to-2 the way they were last year, music rooms, libraries, and cafeteria stages will still be taken away for classroom space. Partisan squabbling in the Legislature last year killed a school bond for last November's ballot, and Eastin now says the next election should include a \$4 billion bond, including \$1 billion for class-size reduction. Eastin is also proposing a longer-term funding plan which includes a relaxation of the two-thirds vote requirement for local school bonds, a proposal also backed by Wilson.

As for the issue of finding teachers, the solutions most offered involve expansion of local apprenticeship and mentoring programs. As a senator, Bergeson authored legislation creating the Beginning Teacher Support Program, which

helps mentor new teachers by pairing them with more experienced teachers. Bergeson says the promise of a less stressful environment may also help ease any teacher crunch by attracting new people to the profession. "There's a good deal of interest in education," she said. "People are regaining trust in their schools."

That trust, however, doesn't extend to the Legislature or the governor. In doing their own soundings on the issue, the California State PTA found that the biggest concern among parents is that the program might disappear if the economy goes south, or the political winds shift. "They're concerned about the resolve of the Legislature and who the next governor will be," said Betty DeFea, the PTA's legislative director. Eastin says these fears are eased by the constitutional protections afforded education spending under 1988's Proposition 98.

The facilities, funding, and recruitment concerns all led the legislative analyst to suggest delaying further implementation of class-size reduction for a year, to give districts time to catch up. But that scenario seems highly unlikely, particularly in light of the new revenue figures. It isn't often that the Legislature hits on something that is so universally acclaimed, and when it does, the temptation to do more is great.

One thing is certain: Just about everybody involved in the program has noticed the difference, including the children themselves. Back in Jacquie Cranston's second-grade class, the students tell a visitor how much calmer things are this year. "Last year, the teacher had to, like yell out words and stuff," said one child. "It was hard to hear the teacher." "I get a lot more treats this year," volunteered another. Later, Cranston marveled at how much more relaxed she was this year. Although her union has always emphasized teacher salaries, this is one area where Cranston is more than willing to pay the price.

"Speaking for myself, I'd rather have a reduction in class size than a raise in my salary," she said. "The stress is just much less intense." 🏠

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Glad to be of service.

Who's in

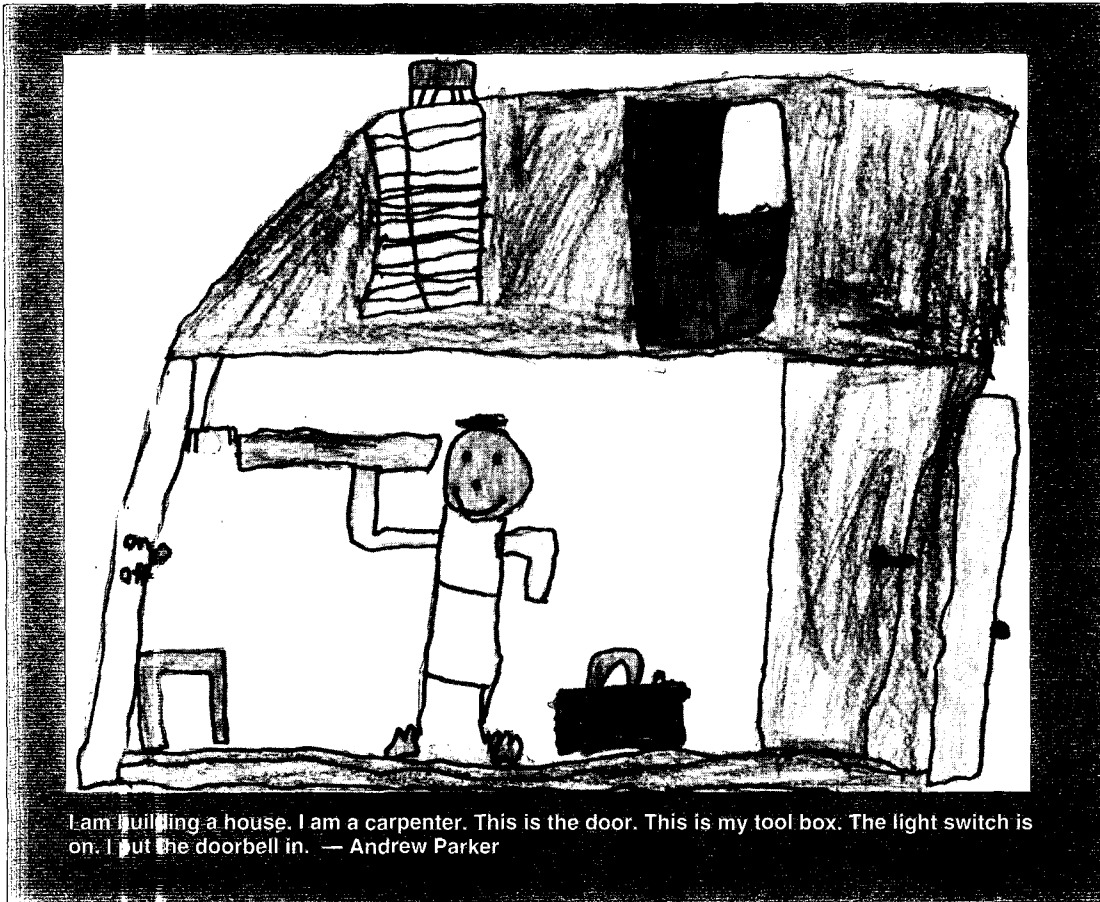
California's hydra-headed education governance system features an elected state superintendent, a board appointed by the governor — and major confusion over who is accountable.

By Sigrid Bathen



I am at the zoo with Omar and Ciara. I took the elephant out of the cage and put on his chain. I get to take care of the animals. I am a zookeeper. Ciara is holding the giraffe by the chain. — Hannah Carlson

Charge?



I am building a house. I am a carpenter. This is the door. This is my tool box. The light switch is on. I put the doorbell in. — Andrew Parker

The present state school administrative organization in California is double-headed, and contains elements that could easily produce discord and destroy its efficiency.

—Report of the Special Legislative Committee on Education, 1920

Even though I almost ran for it, I've come to the conclusion that the office of the superintendent ought to be abolished.

—Former State Senator Gary Hart, 1997

In 1978, Nancy Reeves, who was appointed to the state Board of Education by then-Governor Jerry Brown, resigned after some 18 months on the board. A lawyer, Reeves said she was resigning because the board was “paralyzed by ambiguities” in state law regulating the massive task of governing California’s schools.

“With a budget of almost \$8 billion,” she said, “this knowledge industry is one of the largest enterprises in the state — and yet the board that oversees it is paralyzed by ambiguities in the California Education Code that prevent it from even governing itself, let alone the state educational system.”



I am a doctor and this is me. The big sister is waiting for her brother to be done. He is sick and I am trying to make him feel better. There is a little sister waiting behind the curtain. We are in a hospital room. — Elyssa Uriza

leadership politicizes education,” says Assembly Education Chair Kerry Mazzoni (D-San Rafael), a former school board president in Marin County. “It’s a setup for dysfunction. And if there is one area that should not be politicized, it is education.”

“I’m not optimistic,” says former state Senator Gary Hart, longtime chair of the Senate Education Committee who now heads the Institute for Education Reform at California State University, Sacramento. “The Constitutional Revision Commission suggested eliminating [the elected superintendent], but it didn’t go anywhere. Whoever holds the office opposes it, and almost considers it a personal insult. Any change would require a constitutional change, and the electorate jealously holds on to its elected officials.”

Unlike most other states, she noted, California’s state board is “subordinate to its executive officer, the superintendent of public instruction, instead of the other way around.”

Although a landmark 1993 state appellate court decision in *State Board of Education v. Honig* gave the board considerably more clout, California’s system of educational governance remains a hydra-headed creature of questionable efficiency and frequent bouts of pique. Reeves’ characterization of the process as one of virtual paralysis is as apt today as it was when she quit the board nearly 20 years ago — although the education budget has mushroomed to some \$30 billion.

Despite decades of studies and hearings, a raft of assorted legal opinions, and years of legislative and administrative end runs around the system — as well as several unsuccessful ballot measures to abolish the elected, ostensibly nonpartisan state superintendent — it remains much the same: an unwieldy, gerry-built vehicle lurching along a pothole-ravaged road toward vague visions of “educational excellence” in a state where students score near the bottom of school performance in the nation. It is a circuitous, tortured passage, fraught with the constant likelihood of collision, breakdown and wrong turns.

In any detailed review of education governance in California, one is struck by how little it all seems to do with children, how much with elemental, down-and-dirty politics. Not that the players don’t care about kids; although ego is certainly not an unknown quantity among the state’s top educators, most care deeply. At the same time, they find themselves trapped in a maze of conflicting regulations, duplicative and overlapping jurisdictions, the crazy-quilt Rube Goldberg instrument that is the California Education Code, and a fragmented governance system embedded in the state constitution and unlikely to be changed any time soon. It’s not a pretty picture.

“The way we have structured our state education

Hart and others suggest a system already in place in many other states: a Cabinet-level position overseeing education, appointed by and reporting to the governor, and perhaps an advisory state board. But under the current system, he said, “Everybody is bumping into everyone else. I would really like to make it clean, streamline it.”

Since any immediate changes are unlikely, the players in the process say the next best thing is to work cooperatively. “If you were to design a system that would be efficient and practical, it would not be the system we have,” says former state Senator Marian Bergeson, a former teacher who is Governor Pete Wilson’s secretary of education and child development, an influential but largely ceremonial post that Wilson has unsuccessfully pressed the Legislature to raise to Cabinet-level status. “But the goals are too important to break down in bickering.”

Wilson’s creation of a cabinet-style position has added yet another layer to the education bureaucracy, although not one without influence. “As a focal point for the administration, I think it’s very important,” says Mazzoni. While other governors have traditionally had education “advisers” with varying levels of influence, Wilson’s appointment early in his first term of former California School Boards Association President Maureen DiMarco as his first education “secretary” — a Cabinet terminology which was shot down in the legislature — offered a more direct pipeline to the governor, and another distinct voice speaking for California education. “It is unreasonable for any governor to operate with a cabinet devoid of a senior official on schools and children,” says DiMarco, who lost to Delaine Eastin in a bitter contest for state superintendent in 1994.

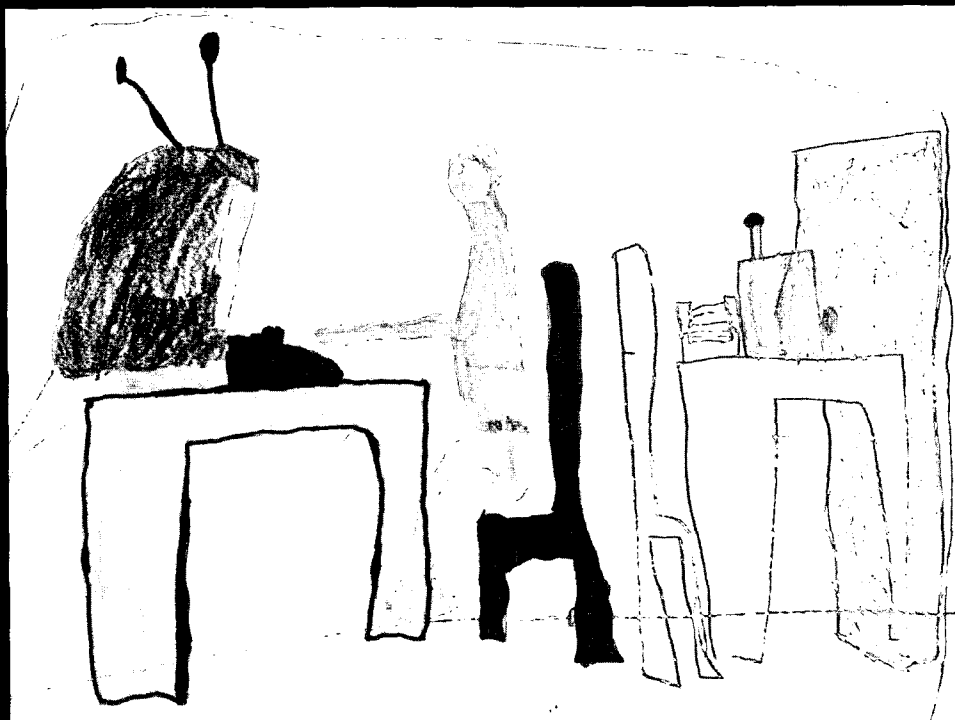
In the day-to-day flow of running the 1,200-employee state Department of Education as well as overseeing California’s 1,000 school districts — not to mention advising elected county superintendents and boards of education, yet another layer of bureaucracy that many critics say could

be abolished or consolidated — California's state superintendent generally does "get along" with the board, the governor and the various substrata of the state's educational system. Textbooks get adopted (still one of the board's principal tasks), money gets disbursed, standards debated if not adopted, local disputes mediated if not dispatched.

"Given that the Constitutional Revision Commission efforts were not successful, we don't spend a huge amount of time trying to make it different," says Mary Kirlin, chief of staff to Eastin about the state system. "We try to make it work. . . There are many, many things going on around here that are extremely important to children and parents. The bulk of the state budget goes to education. There are 5.5 million kids. It ought to be important to people. Given how huge and how complicated it is, we do very well in a less than perfect governance situation. I think we work together very well 95 percent of the time."

Robert Trigg, the highly regarded former superintendent of the Elk Grove Unified School District near Sacramento

who was appointed to the state board last year, says, "It's one thing to read about the issues, and it's another to be a participant. Obviously, it's different at the state level because

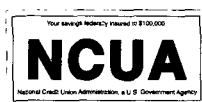


I am using my computer for the 3-D stuff on the Mighty Ducks. I draw picture on the paper. I am a cartoonist. —Alex Zenak

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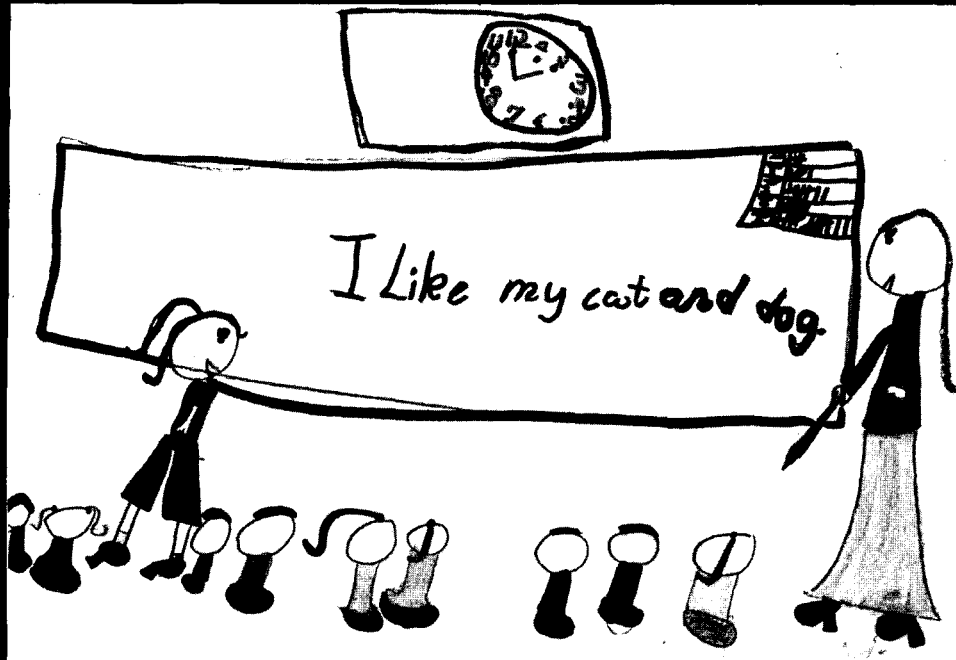


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I wrote a sentence on the board and I am picking children to come up and read it. I am a teacher and I am at school. — Anna Jaramillo

the superintendent doesn't serve at the pleasure of the board, and that is by design. I certainly am very aware that the superintendent is elected by the people, and that packs a lot of weight. ...One should expect disagreement, and I think that is healthy as long as we don't personalize it."

The complex relationship between board and superintendent took a nasty turn in April 1997 when board president Yvonne Larsen fired off a sharply worded letter to Eastin — and another, slightly less acerbic letter to U.S. Education Secretary Richard Riley — castigating the superintendent for meeting with President Bill Clinton to support his push for national testing standards, at a time when California officials are attempting to reach agreement on state testing. Eastin insisted she was not speaking for the state, but the widespread publicity about the trip, which the board apparently didn't know about in advance, helped fan the fires of discord.

Larsen and Eastin both say they quickly buried the hatchet after the testy public flap and now are getting along just fine, thank you. "It's come and gone and is over as far as I'm concerned," says Larsen. "Delaine and I have had a conference and shaken hands and are working together. ...I will try to maintain civility and respect."

Eastin had a somewhat more colloquial response: "I have real interest in mending those fences as quickly as possible. All that happens when you don't mend the fences is the cattle get out."

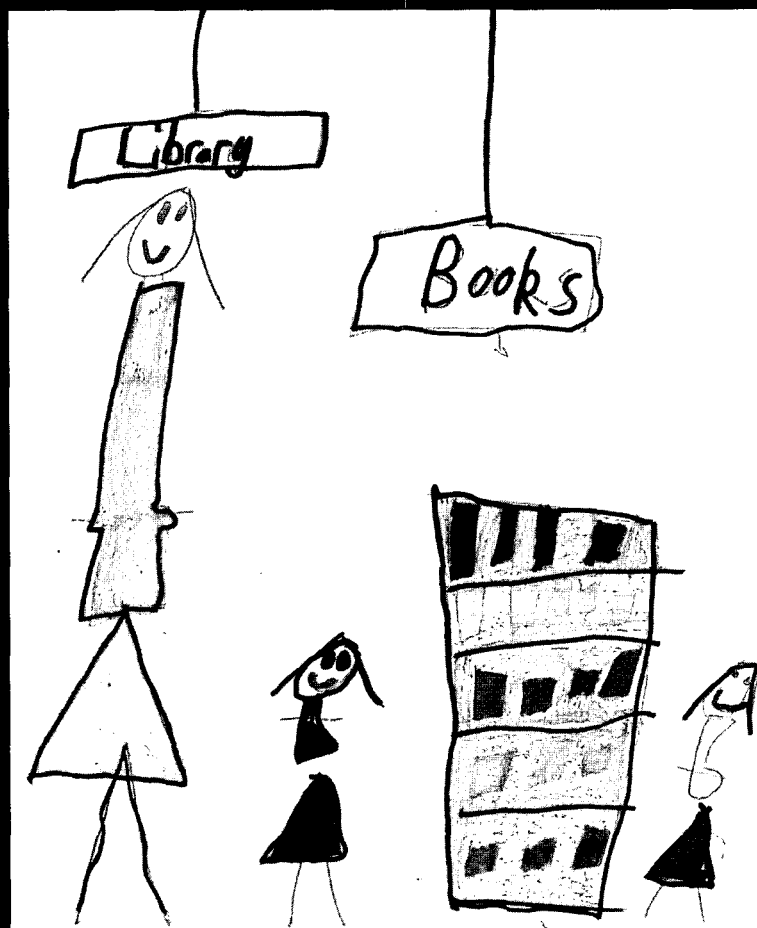
In addition to serving as the executive secretary to the board — which recently was allocated its own staff and its first executive director — the superintendent is a member of the University of California Board of Regents, the California State University Board of Trustees, and a plethora of local, state and national boards, commissions and advisory bodies. As education has hit the front burner as a political issue in recent years, the superintendent is also, increasingly, a politician — much in demand for speeches, utilizing that most powerful of the office's limited powers, the bully pulpit, to effect change. Board

members and representatives of state-wide education groups have sometimes privately criticized Eastin as "too political" and not sufficiently attentive to the day-to-day operation of the department and the school system. Some criticize her for not attending the entire two-plus-day monthly board meetings, although she generally sits in for part of every board meeting and always sends a high-level representative.

Interviewed by cellular phone while she was visiting schools in a four-county area, Eastin says she has missed only one board meeting since she took office in 1995 — "when I was in Hawaii on my first vacation with my husband in years. I also missed the Democratic convention. I could be gone 24 hours a day on events. I work pretty much seven days a week." Scheduling her time, she says, "is a very close call. ...I've tried to have a big tent philosophy and to that

extent, I've been criticized for being too inclusive."

"The original constitution said the superintendent should



I am the librarian. I am checking out books to kids. I keep the bookshelves clean and keep the books in order. — Caitlin Fjeldstad

buy a horse and visit the schools," she adds. "When you go to the schools, as I do, you get a very different picture."

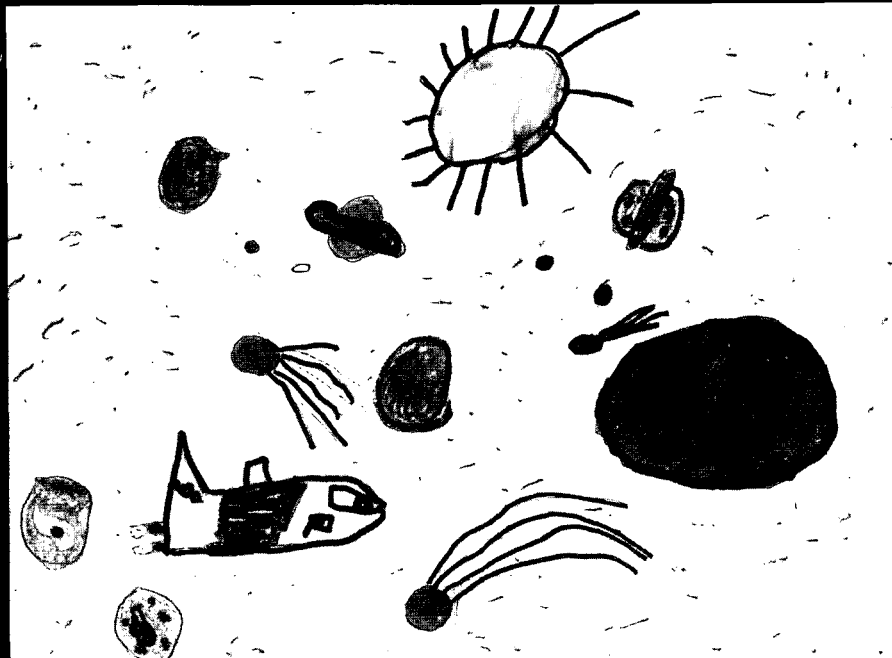
When she first became superintendent, Eastin — a fiery orator who was known for aggressively pursuing her goals in the Legislature, a liberal Democrat who chaired the Assembly Education Committee — was criticized by liberals for working with the governor and conservatives on education issues. When she travels to schools or particularly out of state, she is criticized for not being in Sacramento. When she doesn't go to schools or participate in national policy-setting agendas, she is criticized for being too parochial. Although she holds bachelor's and master's degrees in political science from the University of California, and taught political science and women's studies in community colleges for seven years, she is criticized by others in the huge and contentious education community as lacking an "education background," because she doesn't come from the traditional — some would say hidebound — ranks of full-time professional educators. In the end, says Eastin philosophically, "You're damned if you do and damned if you don't."

And, when the clash of divergent viewpoints about what is best for kids in school becomes a clash of egos — with no programmatic agreement or results — Eastin observes: "The kids lose, big time."

While 14 other states have elected superintendents, some are partisan and others, like California's, nonpartisan. According to the Council of Chief State School Officers in Washington, D.C., the majority (25) are appointed by a state board that itself is generally appointed by the governor, although 12 of the state boards are elected. A few states have boards which are a combination of elected and appointed members. Only one state — Wisconsin, with a nonpartisan elected superintendent — has no board. In states with elected superintendents, the superintendent is very often a member of a different party than the governor, as well that of his appointed board of education and, in California, the secretary of education and child development. To say that arrangement creates a certain tension is an understatement, and the tension sometimes takes a partisan bent, especially during budget deliberations over which the governor and the Legislature wield far more power than the superintendent.

When the relationship between the superintendent and the board becomes strained — as it has on countless occasions through several contemporary administrations — it is often over a policy issue of major statewide consequence, such as academic standards, testing or teaching methods. In the late 1970s and early '80s, with a contentious board comprised of members appointed by former Governor Ronald Reagan and then-Governor Jerry Brown, huge battles were fought over bilingual education. The superintendent during much of that time, Wilson Riles, who served three four-year terms from 1971-1982, spent as much time at board meetings being a mediator as he did a policy adviser.

"The superintendent must have the understanding and the knowledge of how to pull the members together," says Riles. "If the superintendent follows what should be fol-

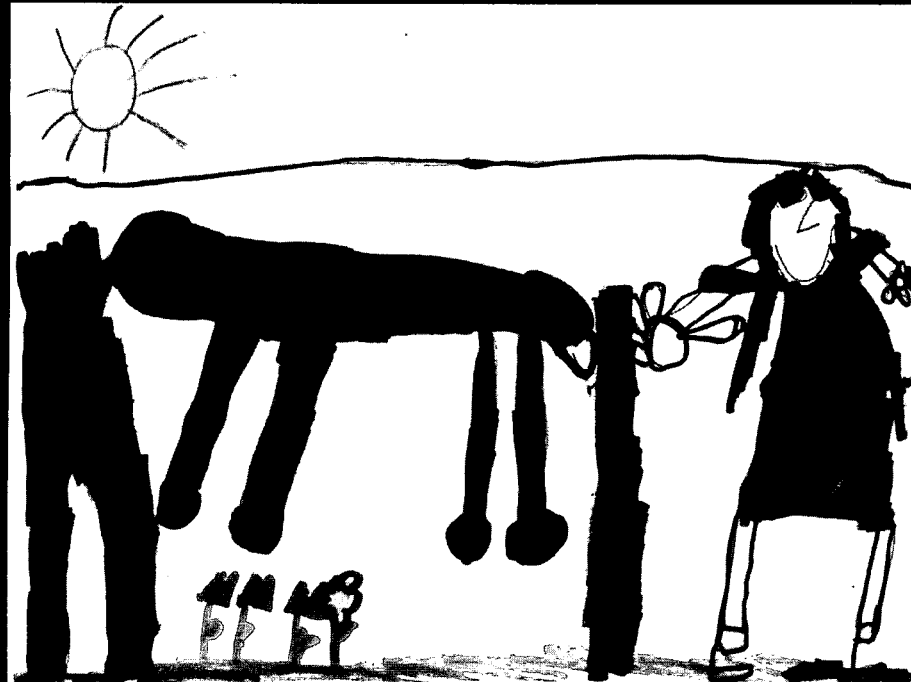


I am in outer space. There are comets passing me. I am taking pictures of the planets. It is fun in outer space. I am an astronaut. My space shuttle is fun to ride in and it has lots of buttons. — Bradley Doucette

lowed, he or she helps the board set policy and provides them with the information they need. Their job under the law is to set policy, but not to run the department — they have an executive [the superintendent] to do that." The 1993 appellate court decision clarifying the board's policy-setting role came out of years of conflict between the board and former Superintendent Bill Honig, who succeeded Riles, eventually prompting the board to take the issue to court. Honig argued, according to the court opinion, that he was "under no clear, present, and ministerial duty to implement" board policies. The court flatly disagreed, directing the superintendent to implement specific policies, including the board's request for additional staff.

In a fascinating history of education governance in California (the first board, established in 1852, was established by the Legislature and consisted of the governor, the surveyor-general and the superintendent), the court noted that subsequent constitutional and statutory embellishments to the role of the board and the superintendent created a system designed for confusion. After a 1921 legislative reorganization that created a "unified Department of Education," the court noted, "Predictions of open conflict were realized in 1926, when a newly appointed Board refused to confirm the candidates the Superintendent appointed as presidents for the state colleges at San Francisco and San Jose." Responsibility for the state colleges and universities has long since passed to separate bureaucracies and boards appointed by the governor.

Bill Whiteneck, who was a deputy superintendent in the Department of Education from 1973-1983 and chief consultant to the Senate Education Committee from 1983-1994, served as an adviser to the Constitutional Revision Commission, which recommended abolishing the position of elected superintendent in California. Like many other top state educators, Whiteneck supports the commission recommendation, and says the "laser beam of accountability for education should be with the governor," since he controls the budget. "Most of the time, the governor gets a free ride



This is me with my horse. I am teaching horseback riding to a child. The name of the horse is Captain. It is a boy. Captain is 15 years old. He likes carrots and apples. He likes to get dirty in the mud. — Amanda Wolf

on education," he says. "If things are going well, whether financially or programmatically, it's very easy to take credit or leverage credit. If things are going badly, they can blame it on the state superintendent. The public has a terrible time sorting out whose cage to rattle."

Whiteneck says the 1993 court decision "just cries out for the Legislature to do something to clean up the governance structure." As for the role of the current elected superintendent, Whiteneck says, "You can do what Honig did, and what I see Delaine doing, running up and down the state. ...You're not an equal in the legislative process. You have no veto authority. ...Right now we have stereophonic noise coming out from multiple offices."

For her part, an embattled but tenacious Eastin, never one to back down from a fight, faces a recalcitrant Legislature reluctant to embrace her push for tougher high school graduation standards and a policy-setting board whose members are all appointed by a Republican governor who wants to be known as California's "education governor" — and, with his popular class-size reduction initiative, has scored major points in the increasingly political race to shore up the state's troubled schools. "Everybody has an opinion about a school experience," says Eastin.

"Not everybody has an opinion about surgery because they haven't had surgery, and they may not know anything about auto insurance because they haven't had an automobile accident. But everybody has had a school experience."

"It is true that my job is really to get the job done for kids," Eastin adds, "and that is what I'm trying to do with a limited amount of authority." While Eastin believes an elected superintendent offers an independent voice and should be retained, board president Larsen, a former school board president in San Diego, says the board provides "empowerment" to local school groups who otherwise would have a limited voice. "We are the only entity where a distraught citizen can come if they don't get comfort from the local district, the one entity which will hear testimony," she says. "We do give them that forum, which they don't have with the Legislature or the governor."

Riles says elected superintendents and appointed boards stumble when they lose sight of their constitutional roles. "Even though the superintendent

is a constitutional officer, you just can't dictate to the Legislature, to the board, but you do have a bully pulpit and can provide leadership by advocacy," he says. "Although the board is not elected, but appointed by the governor, they set policy for the Department of Education. Some superintendents forget that, and, of course, that creates all sorts of problems." 🏠



I am giving a customer some money. I am a banker. The gold is from a gold mine. — Blake Franks

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With the unveiling of the Democrats' "Welfare to Work" plan, there are now three major proposals on the table for implementing the federal welfare reform law. The other two were released earlier this year by Governor Pete Wilson and Legislative Analyst Elizabeth Hill. Here is a comparison of the three plans. The governor's proposal is updated to reflect additions resulting from the May budget revision.

Wilson Plan California Temporary Assistance Plan (CalTAP)	Legislative Democrats Welfare to Work	Legislative Analyst Welfare to Work
• Two years for current recipients • One year for new recipients • Five year lifetime limit	• Three years for recipients who need job training • Five years for recipients with need of further counseling, medical treatment • Five year lifetime limit	• Five year lifetime limit
• 32-35 hrs/week of "work activities," depending on family status • Counties could provide community service jobs for six months per recipient • Counties could provide job training as "work activity"	• After three months, recipient must enter job training program • Community service jobs available from counties after two years	• 20 hours/week of community service job after two years • Job training available after six month job search/assessment
• Maximum of \$1,105 monthly grant per family • 15% cut after six months	• Keeps existing grant levels	• Keeps existing grant levels
• Eligible if immigrated before 8/22/96 • New immigrants not eligible for five years	• Eligible for program • Contains funds to cover some immigrants cut from SSI and food stamp rolls	• Eligible for program
• Non-cash assistance available for children whose families have been cut off	• Some funding may be available after five year limit, or for children whose parents expelled from program	• \$300 — \$450 grant available to families after five years limit
• Child care, transportation, work expenses provided if needed for job, as funding available	• Child care, other services, as funding available	• Child care, transportation costs
• Relieves counties of GA mandate. Counties may opt to continue payments.	• State would pay 30% of average GA grant, but would retain counties' mandate	• Integrates GA into state welfare program. State pays 70%-80% of grant costs. Two year time limits on aid.

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On the roads and highways of America, the Nissan symbol is a familiar sight. But Nissan is more than just a presence on the roads, it's a part of America – and has been for almost 40 years. A part that employs more than 73,000 Americans, a part that has invested over \$2 billion for facilities in the U.S. and annually purchases over

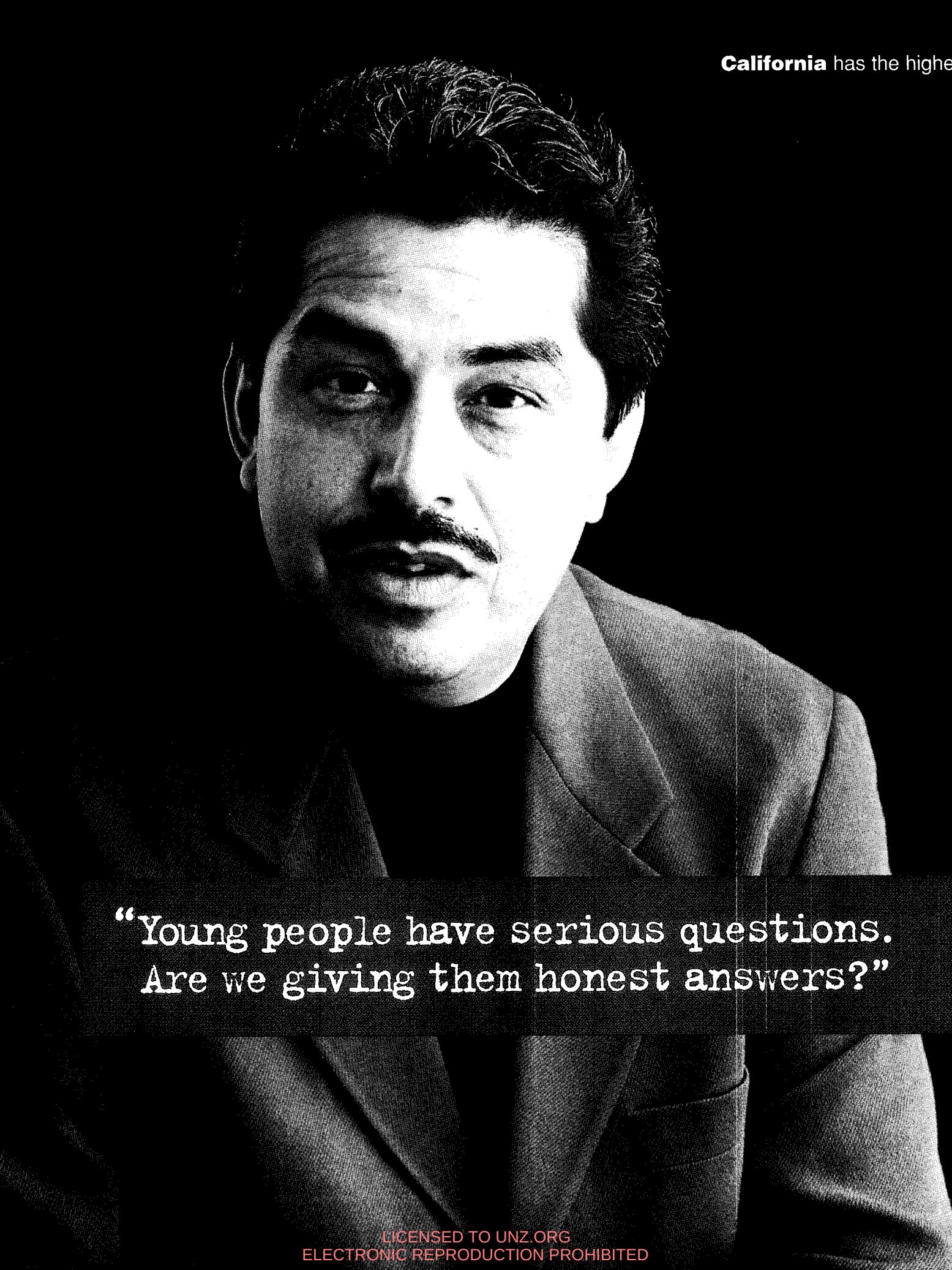
\$4.3 billion in parts from 400 American suppliers. In fact, over 70% of Nissan cars and trucks sold in the U.S. are built in the U.S. by American workers. And Nissan has been called "one of the best companies to work for in America."*

The Nissan symbol. It means cars and trucks for Americans.

It means a commitment to doing business in America.



*Nissan Motor Manufacturing Corporation U.S.A. in "The Best 100 Companies To Work For," Currency/Doubleday, 1993. Visit our website at www.nissan-na.com.

A high-contrast, black and white portrait of a man with dark, wavy hair and a mustache. He is looking directly at the camera with a serious expression. He is wearing a dark turtleneck sweater under a light-colored suit jacket. The background is solid black.

California has the high

“Young people have serious questions.
Are we giving them honest answers?”

teen pregnancy and birth rate in the industrialized world. This series asks **why**...and what we should do.

Warning to parents: all sex education is not alike. In fact, some programs in California high schools are so inaccurate and incomplete that they violate state standards and deny teenagers the facts they need to protect themselves.

Are young people in your community paying the price?

All sex ed programs promote abstinence. But should they stop there?

The vast majority of California adults agree that high school sex ed classes should teach about contraception. But abstinence-only classes either prohibit their mention or downplay the effectiveness of condoms and other methods.

Since half of all California high school students have had sexual intercourse, don't they need to know the facts of life about pregnancy, contraception, STDs, and HIV/AIDS?

After all, the aim of sex education is to replace misinformation with real knowledge and prevent tragic, life-changing mistakes.

Comprehensive sex education gives young people a chance to talk openly and to get facts they can trust. But many schools are being urged to present abstinence as

the only option, making it hard for teens to judge real risks. One California course, for example, even threatens that having premarital sex will cause the death of a future spouse or child.

Such distortion of fact wouldn't be allowed in a science or math class. Why is it allowed here?

Comprehensive sex education urges abstinence AND awareness.

How can teenagers become responsible, sexually-educated adults? Giving high



FACT: Half of all our state's high school students have had sexual intercourse.

school students real sex education, emphasizing abstinence but also providing sexual health information, is not a new idea.

It's been the model for decades, time enough to demonstrate that accurate sex education does not lead teens to try sex sooner.

Often, it may help them delay—abstain—longer.

Ignorance or education? The adults decide.

What are California's sex education standards?

Courses must be accurate and free of bias, stress abstinence but

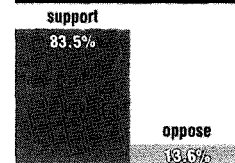
not exclusively, and cover the success and failure rates of condoms and other methods in preventing pregnancy and HIV transmission.

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Jerry Tello is co-chair of the National Compadres network, promoting positive involvement of Chicano/Latino males in their families and communities.

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The Bottom Line

commentary

by Susan Rasky

Early line on lines

One way or another, reapportionment discussions always seem to come back to Phil Burton. So powerful is the lore of the late Congressman's gerrymandering genius that nearly 20 years after his death, his handiwork is still the benchmark by which all other plans for re-carving California's political boundaries are judged.

No matter that the results of the 1990 census, the election of Pete Wilson and the ministrations of the State Supreme Court obliterated the map that enabled Burton and his fellow Democrats to hamstring the Republican Party in Congress and the state Legislature. Republicans at both the state and national level continue to be haunted by the spectre of a Burton-style gerrymander if Democrats take the governorship next year.

Democrats, on the other hand, have good reason to be conjuring Phil Burton's ghost. Emboldened by their recapture of the Assembly in 1996, hopeful about a real shot at the governor's mansion in 1998 and mindful that Republicans now control Congress, they could do with a bit of the old Burton movie.

The information that actually will matter to the redrawing of districts in 2001 — hard numbers from the Census Bureau, resolution of the dispute about the 1990 undercount and the outcome of the next two elections — renders most of the current plotting highly premature. But the possibility that artful mapping of California's congressional districts could determine partisan control of the House for the next decade and the attempt by Republicans to link a deal on term limits to agreement that redistricting would be handled by a "neutral" commission, is enough to pry some informed speculation from the state's reapportionment experts — all on "deep background" of course.

The population numbers alone should give students of representative government pause. The experts project that the number of constituents in an Assembly district, now 373,000, will increase by 35,000 to 50,000. That in turn means that the number of constituents in a Senate district, already ridiculous at 746,000 will rise to somewhere between 816,000 and 846,000, dwarfing the population of congressional districts, where constituents number about 573,000.

California got seven new congressional seats after the 1990 census and would be owed at least one more on the basis of the undercount. While the state is still growing, the pace is slower than in the 1980s, and the experts look for three to five new seats in the 2000 reapportionment, depending on what happens to the undercount.

Two other demographic realities emerge from population figures released in May by the state's Department of Finance — a continuing shift of the Anglo population to the outer-suburban areas in both the Central Valley and Southern California and continuing growth in Latino and Asian

populations at the expense of African Americans.

As one expert noted, about half of the 11 Assembly, Senate and congressional seats now held by African Americans are in districts where Latinos comprise the plurality population. As another noted, the rise in Asian population is probably sufficient right now for creation of an Asian "majority" district in San Francisco or perhaps Orange County.

But the new element in redrawing California's political map after 2000 is a change in the interpretation of the federal Voting Rights Act. When the court's special masters drew the 1991 boundaries, they assumed the law required that racial minorities be grouped into distinct districts to maximize their opportunities for winning congressional or legislative seats. In a string of decisions that played havoc with redistricting in Georgia, North Carolina, Texas and Florida, the United States Supreme Court has since made clear, however, that race cannot be the sole criteria in designing districts.

The issue then is not just whether Democrats maintain their majorities in the Legislature and capture the governorship to control the redistricting process. The real question is how willing they are to break up existing minority districts they safely hold to spread minority populations into suburban Anglo areas and enhance the possibilities of picking up additional seats.

Matters of irate incumbents entirely aside, it's hardly a simple equation. Such a strategy virtually guarantees exacerbating tensions among core Democratic constituencies and offers no guarantee that all of the newly drawn districts would be won by Democrats rather than falling in some cases to moderate Republicans.

If, on the other hand, redistricting winds up in court, how far would special masters go in applying the new interpretation of the Voting Rights Act? Unlike the "minority" districts in other states that ran afoul of the courts, California's were drawn as much as possible to adhere to an overall goal of geographic compactness.

While race may no longer be the sole criteria for assuring equal participation of minorities, it is not clear that deliberately breaking up minority populations would pass legal muster. At least that's how Republicans see it.

That uncertainty alone suggests the bargaining table will be crowded once the 2000 census numbers are in — and not just with groups who represented African American, Latino and Asian interests the last time around. The increased availability of sophisticated computing equipment and user-friendly census tract data promise to unleash a whole new array of interest groups and individuals devising and promoting their own redistricting plans amid the hand-to-hand political combat that always attends a redistribution of power.

Phil Burton would have loved it. 🏠

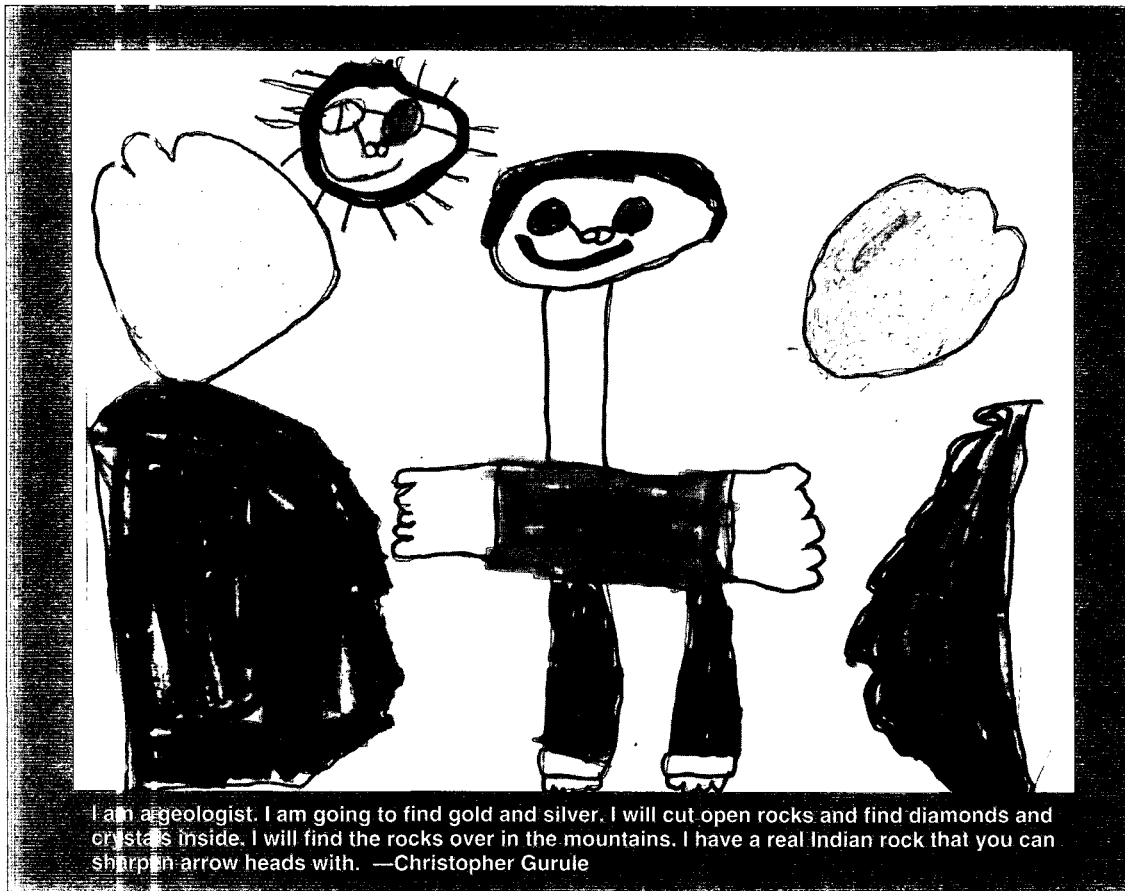
A tale of

Can local leadership make a difference? Just ask parents in the Bellflower and Sacramento Unified School Districts. These districts provide textbook examples of what happens when leadership works, and what happens when it doesn't

By Michael J. Fitzgerald



districts



It is the best of times in the Bellflower Unified School District in Los Angeles County.

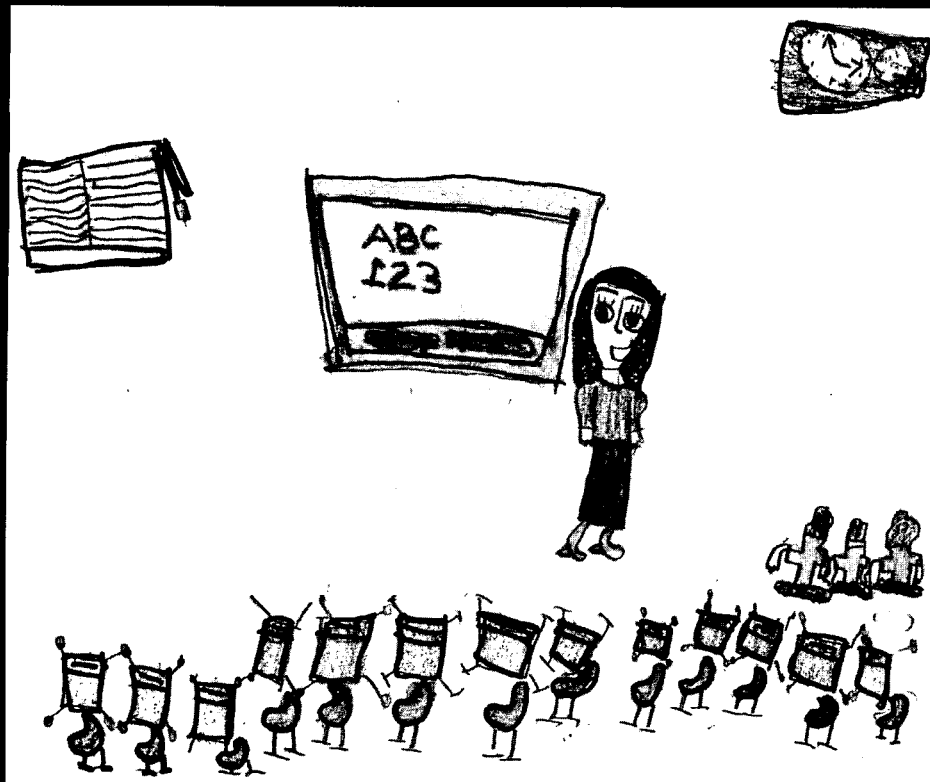
The dropout rate is practically zero, truancy is no longer an issue, unions are happy with their contracts, facilities are nearly as neat as nearby Disneyland, and students are on their way to college, jobs and community service.

But only four years ago, the district communities of Bellflower and Lakewood found themselves with a 13,000-student school system that was clearly stagnating — stalled at a performance level that was probably “adequate,” officials say, but at risk of slipping into the educational, financial and political malaise many California school districts are fighting today.

What happened?

The Bellflower School District elected a new, more activist school board, installed a new superintendent, and forged an alliance of educational and management philosophies to present a united front to — and with — the community in the ever-present slogan “We Build Futures.”

Michael J. Fitzgerald is a journalism professor at California State University, Sacramento and chair of the University Academic Senate.



This is me teaching my class. I am teaching the ABC's and 123's. Some kids are at recess and some are staying in to finish their work. — Ayesha Khalid

"We realized we needed higher standards for our students to succeed, to have futures," Bellflower School Board President Linda Devine says. "The mood changed with the new board and our new superintendent."

Mayfair High School Principal Nancy Billinger credits the dramatic turnaround to the school board listening to teachers and the entire district setting aside its differences to ensure students were educated.

"We started with teachers talking about raising expectations for students, for school facilities, for everything it takes to build futures," she says. "Then we went to the district and said, 'Can we do this?'"

The "can-we-do-this" question has resurfaced in the Sacramento City Unified School District following the November 5, 1996 ouster of two school board incumbents and voting in a slate of four new board members endorsed by Sacramento Mayor Joe Serna, most business leaders and neighborhood groups. The new Sacramento board inherited a community still smarting over a series of disastrous board decisions in recent years on personnel and fiscal matters that left the 50,000-student district in a condition that can at best be called weak.

The former board majority went through three superintendents in a half-dozen years (including Rudy Crew, now chancellor of New York City schools), ignored community opposition to the purchase of an expensive downtown high-rise for administration, and kept the political climate in a constant uproar by publicly second-guessing administrative decisions and arguing with a well-organized — and very unhappy — teachers' union.

"We had hit bottom in the district," says board president Jay Schenirer, elected in November. "It was an all-time low for leadership."

By one measurement — a comparison between Sacramento and Bellflower would seem unfair. Sacramento Unified stretches over some 67 square miles, encompassing roughly 50,000 students. By contrast, Bellflower extends over just 8 square miles, and houses a total of 13,000 students. But in their demographics and urban component, the two districts are similar, though Bellflower has a somewhat higher concentration of Latinos and Caucasians. Moreover, both show how leadership can make the difference between success and failure. In Bellflower, leadership — and teamwork — blossomed with the hiring of Dr. Rebecca Turrentine

as superintendent, who immediately joined forces with the new board.

School Board President Devine says there is simply no personal conflict between the board and Turrentine, a sharp contrast to Sacramento where school board meetings until recently were thinly disguised mud-wrestling matches involving the board, superintendent, teachers and parents.

"We rely on the superintendent and her cabinet to administer the district," Devine says. "The board sets policy, it doesn't micro-manage."

After a few bumps at the start, Turrentine — who served three years as deputy superintendent for programs and had been a school principal and teacher — instituted a series of reality-based morale-building programs, setting a foundation for the vital ingredient sorely lacking in Sacramento for the past 10 years: stability.

"For one thing, the school board has committed to doing all its business in public," Turrentine says. "And another is we just do not let any kids fall through the cracks. Ever."

The BUSD board takes great pride in its schools. Members visit on a regular basis, sometimes with Turrentine, who makes it a practice to visit every classroom in the district once every quarter. The presence of Turrentine or other board members hardly causes a ripple in classrooms where the students pay attention to a degree unheard of in many districts. Outside classrooms, the superintendent and board members are greeted warmly by teachers and students when they make visits. Even at the district's continuation school — located on the same school site as the district offices — students are comfortable with the superintendent and frequently ask her to visit their classrooms.

"We made our continuation school a year-round operation right next door," Turrentine says. "It just made more sense and the board agrees."

In making sense of the complex operations of the school district, the board, teachers, administration and parents drafted a plan with specific goals for instruction, basic human interactions and physical facilities. Any time grant money becomes available for projects, the district has a detailed plan ready to take advantage of it.

"We send a message by the way

our school district looks," Turrentine says. Parking lots are swept daily, no peeling paint is allowed, and even the students buy in, keeping litter non-existent. At the district's two high schools, flower beds are planted and maintained by the students.

"There is a real element of pride in this district, in all aspects."

Part of that pride stems from a constant assessment of its efforts and a willingness to add — or subtract — initiatives.

"The other thing is we believe in experimentation," Devine says. "If it doesn't work, there's no blaming, no fingers pointing. We are in this together: the board, administration, teachers and students."

One experiment — creation of a Citizens' Task Force — had potential for becoming political theater but resulted in a solid support system that is helping build the sense of community Devine says is absolutely necessary for successful schools. The task force meets regularly to keep a running dialogue in the community about how the schools are doing and, more important, what the community can do to support the schools.

"We have people from the board, the schools themselves, service clubs like the Kiwanis, business, the PTA, all talking, all the time," Devine says.

The task force was one of the community-based notions that helped the schools deal with truancy, now a non-problem with a 98 percent attendance rate. "Out of 900,000 cumulative days of school, we only had 90 days of truancy," Turrentine says. Businesses in Bellflower and Lakewood call the district office if students are wandering around the stores during school hours.

"What really works is when the student gets picked up by the Sheriff's Department, they get brought back to the school, not taken home," says Bellflower High Principal Rick Kempainen. "We deal with why the student didn't want to go to school. It's our problem and responsibility to work it out."

The district also overcame a hurdle faced by many high schools — students who hit senior year and have virtually no required classes.

"We have students draft a plan as freshman that includes everything they want to study — or do — through high school," Mayfair High's Billinger says. "Music, algebra, athletics, whatever it is, the student puts it together with a

counselor and then the student, their parents, and the school all sign it as a contract. We guarantee what we will do. They guarantee, too."

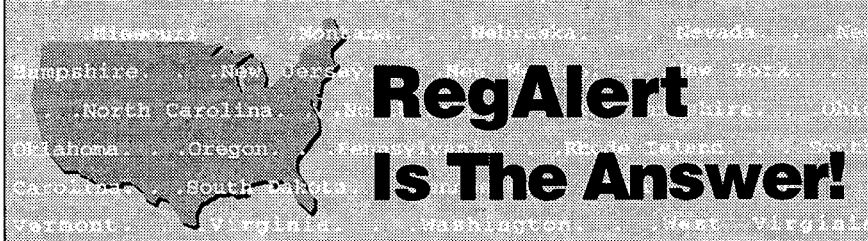
This approach doubled the number of students in college-prep classes in four years and tripled the number of clubs and activities. "We all have a connectedness to the school. It's taken on a life of its own for teachers and students," she said.

"It just feels good to be on a

winning team."

In Sacramento, the concept of teamwork arrived with the new board president and three other new board members: Rick Jennings, a former Oakland Raider and Xerox executive who runs a youth academy; Manny Hernandez, a private consultant who worked 20 years as a policy adviser to the Legislature; and Karen Young, a mother of three boys who went through district schools who has worked as a volunteer and

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I am a zookeeper. I am giving apples to the giraffe and water to the tiger. The giraffe is eating leaves. I am at Marine World. — Omar Perez

school supporter.

This new group generally joins forces with incumbents Tom Griffin and Michelle Masoner, who formerly found themselves on the losing end of votes with the ousted trustees.

"We do still have Virgil Price, from that old group," Schenirer says, "but it's not like it was even with her."

The "like it was" included:

- Teachers, non-instructional staff — and even the administration — were viewed as adversaries to the school board.

- Board meetings were frequently called on short notice with an aura of crisis, when matters might have been handled by the superintendent.

- Long-term planning for facilities was patchwork — if it existed at all.

- Class-size reduction funds were only applied for the first grade, not grades 1-3 as most California school districts opted for.

- Opportunities for grants and state funding were missed repeatedly, most recently with only \$2 million granted to the district from Proposition 203, because necessary paperwork wasn't completed in time to apply for more money.

- A scathing report by the Sacramento County Grand Jury two years ago said accountability at all

levels of management in the district was "virtually nonexistent."

"The whole situation was just busted," says interim Superintendent Jim Sweeney.

Sweeney came to Sacramento to work for former Sacramento City Schools

Superintendent Terry Grier, who was fired unceremoniously 18 months ago in a school board action that cost the district nearly \$200,000 to buy out his contract.

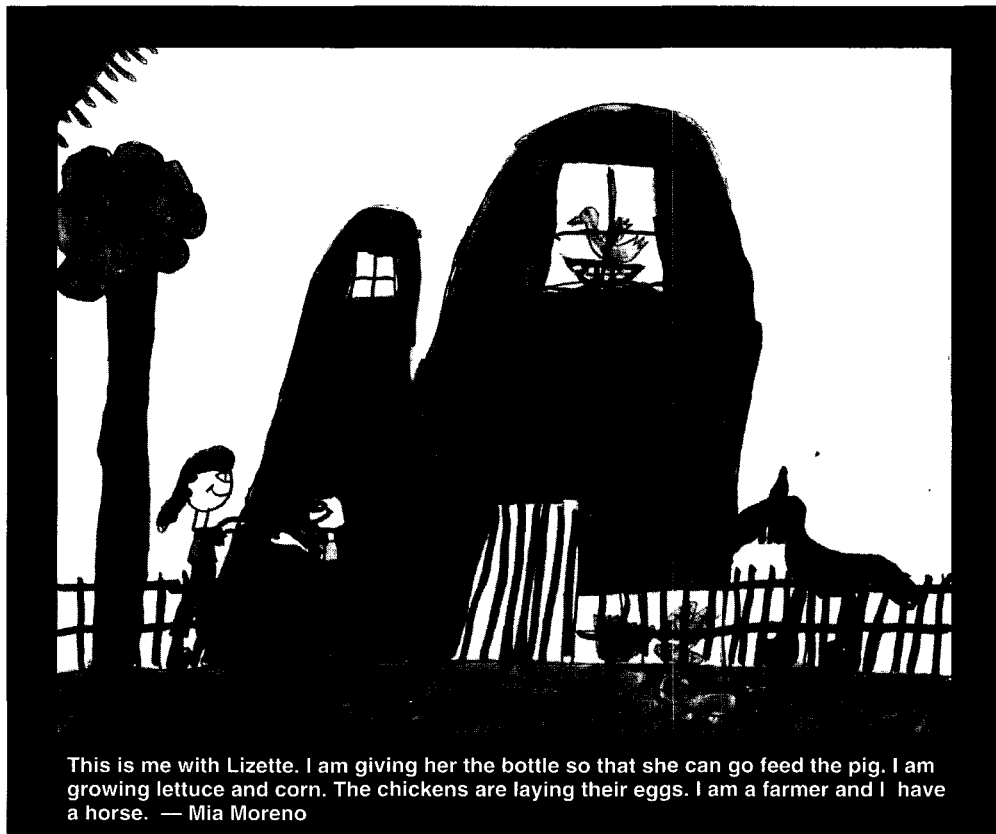
"The new board's number-one job is to restore confidence," Sweeney says. "People want it. They want hope."

Some of the confidence and hope-building efforts have included televising school board meetings, board members spending hours at schools, getting area businesses to "adopt" schools for projects and letting teachers air gripes.

After the newly elected board decided to buy out Superintendent Ted Kimbrough (hired by the ousted board majority) at a price of \$286,000 and search for a new superintendent, the board talked with 1,500 of the district's 6,000 employees. "At one meeting, we had teachers coming up to the microphone for two straight hours, talking about their problems and what we needed to do," Sweeney says.

The school board moved quickly to deal with its most powerful adversary, the Sacramento City Teachers Association, a group Sweeney characterizes as the "toughest teachers' union in America."

"We were always bargaining, practically day to day," said Sweeney. "It was hard to have any kind of relation-



This is me with Lizette. I am giving her the bottle so that she can go feed the pig. I am growing lettuce and corn. The chickens are laying their eggs. I am a farmer and I have a horse. — Mia Moreno

ship, so the board president and I decided to fix it."

The fix included the unprecedented involvement of school board members in direct negotiations with the teachers—a show of good faith that Sacramento City Unified Teachers' Association President Linda Tuttle says broke a long-standing stalemate.

"For years, everyone kept saying it's the teacher's union, it's that contract," Tuttle says. "It turned out it was the school board."

Tuttle starting her second term, hopes that stability will restore confidence. "I just started my second term, and I've already worked with four superintendents."

A district-wide group is currently discussing what it wants in a superintendent before even considering a search.

A major part of the district's fix is a 9.25 percent salary increase over two years, a fix that has teachers smiling, but board critics wondering if the district can afford it. A pact has also been set with the non-instructional staff. "Last year we met 44 times to settle the classified contract," Sweeney says. "With the new board, we did it in two meetings."

This apparent air of cooperation may have cured the historical standoffishness of private grant sources. The district just received \$4.5 million from the Packard Foundation for literacy efforts—but only after the district proved to foundation officials that teachers and the school board are rowing in the same direction and will keep doing so.

Perhaps the greatest single measure of how far the new school board has come in restoring community confidence will be June 3 when voters go to the polls to consider a \$225 million school bond issue to fix up physical facilities of the schools. The same measure failed by 260 votes in November as the new board swept into office. If the measure passes, a similar amount is available in state matching funds over a 10-year period.

On a district tour in May, officials pulled the curtain back for the public, showing schools with broken windows and leaky roofs, splintering wooden decks with nails sticking up, peeling paint everywhere, and electrical systems that would have confounded Rube Goldberg. A Hiram Johnson High School, the tour's centerpiece was a filled-in swimming pool, paved over

five years ago when the district couldn't afford to fix leaks, the filters or pumps.

A maintenance worker at Hiram Johnson proudly pointed out one bit of good news—a new roof on the gym installed last summer. But then he pointed out that the district hadn't funded an obviously needed rain gutter to protect the side of the roof. "That's the way this district has been doing things for years," he complained. "Everything halfway, no real plans."

Board President Schenirer understands the frustration, but hopes the community can move on. "I tell everyone that we are here for four years—at least. We have the majority for four years. We can do a lot. We can stabilize. We can improve. We have to. We're murdering our kids if we don't give them an education."

Union President Tuttle agrees. "It's all about rebuilding trust. We've started that, but we have a long way to go." ■

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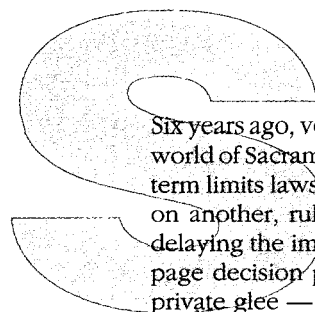
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Stopping the

A federal court decision has put the future of California's term-limits law in doubt, and touched off a flood of speculation on how lawmakers will respond. Will the scales of justice block the term-limits hourglass?

by John Borland



Six years ago, voters threw the equivalent of a stick of dynamite into the comfortable world of Sacramento politics with the passage of Proposition 140, one of the strictest term limits laws in the nation. Last month, federal judge Claudia Wilken lit the fuse on another, ruling that 140's legislative term limits were unconstitutional — but delaying the impact of her opinion until it had been reviewed on appeal. Her 53-page decision provoked immediate consternation — and not a small amount of private glee — in Sacramento.

"A poor decision, a very poor decision," said Governor Pete Wilson. "A gross injustice," added Secretary of State Bill Jones who asked for an immediate appeal to the ninth Circuit Court. Senate President pro Tempore Bill Lockyer (D-Hayward) was circumspect in his applause, noting that "sometimes even the will of the voters is constrained by the right of free speech and free association"

Wilken's decision has the potential to reshape the California political landscape as profoundly as did the 1990 initiative. But this time, the outcome may rely very directly on the actions of the legislators themselves, some of whom began scrambling to find a palatable alternative the day the decision was announced. If

clock?



Illustration by Tim Foster

Termed Out Lawmakers in 1998 & 2000

Senate

Democrats

1998

Ayala*
Calderon
Dills**
Greene*

Lockyer
Rosenthal
Thompson**
Watson

Kopp (I)

Republicans

1998

Craven
Maddy

2000

Hayden
Hughes
Johnston*

2000

Kelley
Leslie
Mountjoy
Wright

Assembly

Democrats

1998

Baca**
Bowen*
Brown
Bustamante

Caldera
Escutia
Martinez
Napolitano

Republicans

1998

Aguiar**
Alby**
Bowler**
Goldsmith

Morrow
Pringle
Richter
Takasugi

2000

Davis*
Duchenev
Figueroa
Floyd
Gallegos
Knox
Kuehl

Lempert**
Machado*
Mazzoni
Murray
Sweeney
Villaraigosa

2000

Ackerman
Baldwin**
Battin*
Baugh
Bordonaro
Brewer
Cunneen*
Firestone**
Frusetta*
Granlund
House

Kaloogian
Kuykendall*
Margett
McClintock
Miller**
Morrissey*
Olberg
Poochigian
Thompson
Woods

* Indicates competitive seat

** Indicates marginal seat

they do nothing at all, and Wilken's ruling is overturned, little will have happened beyond the bubble of initial speculation. But if any of several deals can be worked out between various factions of legislators and Governor Pete Wilson — or even if these fall through and the ninth Circuit and Supreme Court uphold Wilken's ruling — her decision could lead not only to a brand-new scheme of term limits, with a brand-new set of legislative expiration dates attached, but even shape a decade of majorities in Sacramento and in Congress as lawmakers draw the state's new legislative map.

California's term limits were spawned by 1990's Proposition 140, sponsored by then-Los Angeles County Supervisor Pete Shabarum. The initiative beat out a less-draconian alternative, winning a relatively narrow victory. While legislators predictably sued shortly afterwards, the state Supreme Court upheld most provisions of the law, including the lifetime ban on service, and the U.S. Supreme Court refused to hear legislators' further appeal.

In the ensuing years, the entrenched legislators that had been the focus of Shabarum's original ire began to drop out. Senate President pro Tempore David Roberti (D-Van Nuys) was the first to go, termed out early through a quirk of special election timing. He made an attempt to jump to the state treasurer's office, but lost his primary. Assembly Speaker Willie L. Brown Jr. (D-San Francisco), perhaps the initiative's primary target, departed to become San Francisco's mayor-*cum*-Emperor at the beginning of 1996.

It took Assemblyman Tom Bates, a longtime Berkeley liberal, to wield the blow that may have killed Shabarum's vision. Joined by fellow Democratic Assembly members Barbara Friedman and Martha Escutia and several constituents, Bates brought suit in federal court, arguing that his constituents — who he said were very happy with his service — were unconstitutionally prevented from voting for him for the rest of their lives by 140's strictures. Eventually, Judge Wilken agreed with Bates' argument, but not in time to win Bates or Friedman a ballot slot in 1996.

Wilken's ruling came at a critical moment for legislators termed out in 1998, chief among these Lockyer and Bustamante. Before the ink had barely dried on the decision, the Democratic leadership was publicly discussing the

prospect of passing a "fix" that would address Wilken's constitutional concerns, allow voters to approve a new and perhaps less strict version of term limits, and incidentally allow those in 1998's crosshairs to extend their legislative lives.

"I'm hoping that if we do something in November, we would have some clarity in place [for the 1998 election]," Bustamante said. A legislatively drawn measure would have several advantages, he noted, including the ability to lengthen terms that even many ostensible Proposition 130 supporters admit are too short. He could support new Assembly term limits of eight, 10 or 12 years instead of the current six, he said. "It's obviously going to be a much better process doing it in public, in hearings, instead of [initiative writers] scribbling at a kitchen table."

Such an initiative would require the bipartisan support of at least two-thirds of both legislative houses, however, as well as the approval of Governor Pete Wilson, who would be the one responsible for calling the special election. And Wilson, who endorsed 140 during his first gubernatorial campaign, was initially skeptical of the idea. "It may be that the appeal is the best course for the people to pursue," he told reporters shortly after the ruling. By mid-May, his interest had not appeared to increase.

If such a special ballot does emerge — a high-odds prospect at best, since Wilson must call the election before June 9 — it will be because a deal has been worked out between Wilson, Democrats, and the large number of legislative Republicans who have at least paid lip service to 140's regime. Republicans immediately warned Wilson not to waste the leverage Wilken's decision had thrown into his lap. There was one simple thing Democrats could do, they said: Take reapportionment, the once-a-decade process by which the state's legislative and congressional district lines are drawn, out of the hands of the partisan state legislature, and we'll agree to a deal on term limits.

"There is absolutely no question that if Democrats really want to make a deal, the best thing for Republicans to deal with is the reapportionment issue," said Tony Quinn, a GOP consultant and former legislative staffer who served as an advisor in previous reap-

Wilken's decision has the potential to reshape the California political landscape ...

portionments.

He conceded that the Democrats probably had an electoral edge going into the apportionment process. "We have only a 50-50 chance of holding the governor's seat, and there's not that much likelihood of controlling either [legislative] house in 2001. Certainly it's possible that Democrats holding all three." The result could be another Democratic gerrymander, he warned — unless the process was taken out of legislative control altogether.

Even Republicans that say they oppose a deal until the appeals process is complete admit that this could be carrot enough. "I would be opposed to doing anything, believing that on appeal 140 would be restored," said Assemblyman Bernie Richter (R-Chico). But if apportionment was tied to the deal? "That's something that I would be willing to look at," Richter admitted.

Democrats were quick to throw water on the idea. "I think there is a scant chance that we involve apportionment in the process," said Assemblywoman Carole Migden (D-San Francisco). "There is a clean, separate division on both issues."

"Nobody's going to give up reapportionment for term limits," agreed Assemblyman Kevin Murray (D-Los Angeles), stressing that it would be Republicans who could lose seats most heavily in the critical year of 2000. "Reapportionment is too crucial for both sides ... They're going to have to do this on public policy grounds." All of which may mean no deal come June 9, the final day on which the governor can call a November special election, according to the secretary of state's office — unless some new issue is thrown into the pot to sweeten the bargain for one side or the other.

Complicating any such agreement is the difficulty in parsing out which parties, and which individuals, gain the most ground under a host of different scenarios. Wilken's decision is currently stayed, for instance — but Remcho and some other lawyers believe the ninth circuit court will hear the appeal in an expedited fashion, upholding the ruling, lifting the stay and possibly allowing Lockyer and the others to run in 1998 entirely free of 140's strictures. "I think we'll have something definitive by the end of the year," predicted attorney Joe Remcho, who represented Bates and the other legislators in court. So there is some incentive to wait, in case the Democrats' bargaining position is strengthened by the courts.

But the ninth Circuit also could overturn Wilken's decision, keep the stay in place until the case is appealed

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to the Supreme Court, or simply delay until it is too late for sitting legislators to file for the 1998 elections. Many of the supporters of 140, including many of the Republicans elected after 1990, say they believe the higher courts will overturn Wilken and don't want to risk watering down the original initiative's language for the sake of a quick fix. "I think the worst thing we could do is overreact — or jump the gun," said Assemblyman Tom Bordonaro (R-Paso Robles)

So there is incentive for this mostly Republican group to wait — and for the

critics of 140 to put their own version on the ballot quickly in order to forestall a successful appeal by Jones and Attorney General Dan Lungren.

And then there is the matter of timing for each party. If lawmakers can not reach agreement on a November special election, and the court does not rule definitively before next year's candidate filing deadline of February 4, a handful of lawmakers from each party will be forced out of office at the end of the year. Democrats will feel the brunt of this, both in numbers and by losing Lockyer's unmatched influence. "If [limits] don't take effect in 1998 ... Bill Lockyer becomes the most powerful guy around," says GOP consultant Ray McNally. "The interests that he's sympathetic with would continue to dominate the process."

In the short term, then, there is incentive for Democrats to move quickly, and for Republicans to wait until Lockyer is gone. But the electoral equation changes in 2000, when the lawmakers will draft the next decade's apportionment plan — thus playing a huge role in determining the composi-

tion of the state legislature and Congress — will be elected. In that year, Schabarum's legacy would fall most heavily on Assembly Republicans, 21 of whom would lose their seats under the current term limits. Democrats would be competitive in more than a third of these districts (see box, page 36).

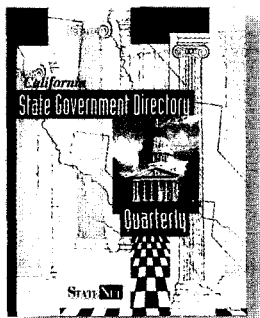
With this badly timed open-seat disadvantage under 140's rules, Republicans thus have incentive to do what they can to restart the term clocks, to avoid having their own clocks cleaned in the next reapportionment.

Not to be left out of the mix are the individual interests of the party's leaders. Lockyer has already made plans to run for state attorney general if he is barred from the Legislature next year. But his first love is his present position — and if he is able to stay, his power will only grow. Wilson is in the final two years of the lame-duck phase of his governorship, and Wilken's decision may give him more leverage with the Democratic majority than he will ever have again. This issue may be his last best chance to win passage for whatever he chooses as his legacy — whether

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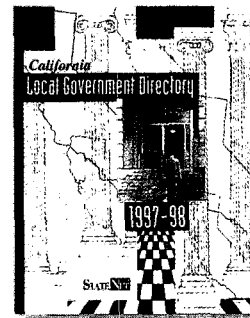
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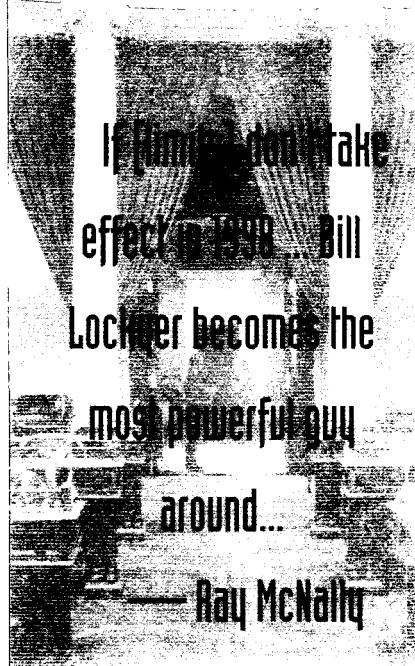
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this be reapportionment, welfare reform, or something else entirely.

Also in the mix for any legislative version of term limits would be the length of new terms, the question of whether they should be made retroactive, as some Republicans are arguing, and of whether a successful November ballot initiative would derail the 140 appeal — a point on which lawyers differ.

But for everyone save Lockyer, Bustamante, and the handful of other legislators who may be forced out in 1998, a failure to reach accord on a special election this year may turn out to be a close second-best outcome. For Republicans, waiting until next year to address the issue means they will rid themselves of Lockyer, a move that could be counted as progress even if the Senate retains a Democratic majority. A deal could be fashioned later, with plenty of time to save those 21 Assembly members otherwise termed out in 2000.

As for Democrats, it is not necessarily in the interest of ambitious rank-and-file members to cut a deal that



extends the long-term career potential of the current leadership. If no deal is struck and the court upholds Wilken's decision, the vast majority of members still will be able to return and craft a new initiative more to their liking than the old one.

But this still leaves another poten-

tial stumbling block, at least for Democrats: grassroots term limits groups, along with Assembly Minority Leader Curt Pringle (R-Garden Grove), have announced they will try to qualify another initiative that contains as much of 140's limits as possible for the June or November 1998 ballot — including retroactively applying 140's limits to sitting members if this proves legal. "Voters should be very skeptical of lawmakers who always opposed Proposition 140," Pringle said. "I am concerned that they want to take advantage of the court ruling and ... undercut the voters' intent."

While legislators scramble to settle on an acceptable plan, Wilken's ruling and stay have left the ninth circuit court holding her-slow fused stick of political dynamite. These judges still may choose to overrule her decision, snuffing out the fuse's spark. But if they uphold her, and are supported by the Supreme Court, they again will set explosives in the heart of Sacramento's power structure.

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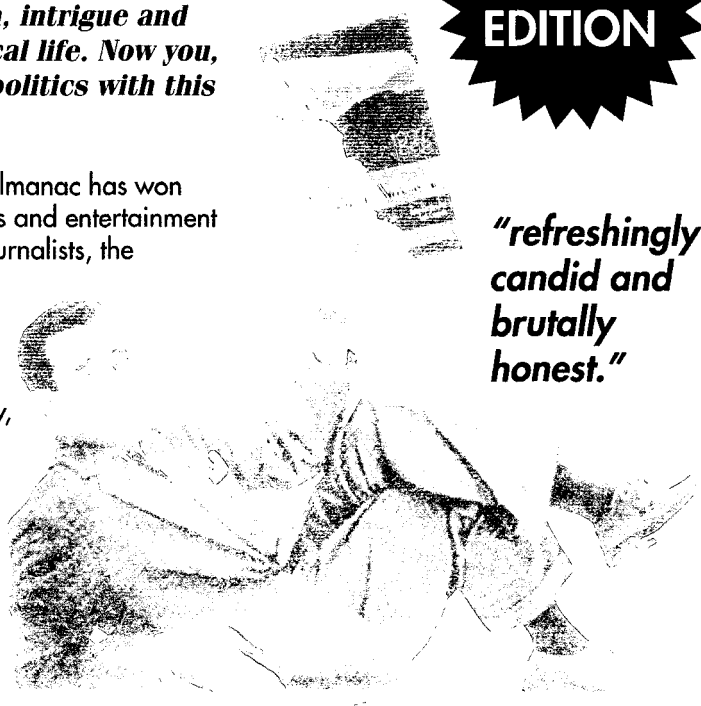
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To run, or not

Everybody knows who wants to run for governor. But there are many other offices up in 1998 as well. Most prospective statewide candidates haven't made up their minds which office to run for...or whether to run at all.

by Noel Brinkerhoff

*Great sorrow seized my heart . . .
for I had seen some estimable men
among the souls suspended in that limbo.*

Dante Alighieri, *Inferno*

In the coming weeks, many would-be candidates will venture forth from a self-imposed status of uncertainty — of political limbo, if you will — and decide whether they wish to reside upon a higher plane of electoral existence. The campaign decision many of these individuals have pondered for months now involves going after those positions of statewide office which don't hold the same amount of clout as United States senator, governor, or even attorney general. These prospects are looking at the "down-ticket races," which tend not to garner many headlines, if any, and can in fact become lost amid a crowded field of campaigns during a gubernatorial election. This is not to say, of course, that offices such as lieutenant governor, secretary of state, treasurer, controller and insurance commissioner are not important holders of power, since all perform vital state functions. Rather, it is a matter of media attention and campaign fund raising — two qualities all politicians desire in the offices they occupy, or wish to.

Gaining an adequate amount of attention from both the press and financial contributors are two of the factors potential candidates have to weigh during a time of limbo. But these two considerations are certainly not exclusive. The decision-making

Who to run?



CHRISTOPHER '97

process actually takes in of a whole slate of concerns, including the time and energy campaigns consume, the aspirations for seeking higher statewide office, the jockeying of other candidates, and the outcome of a recent federal court decision concerning term limits. It is an

arduous task for those involved, trying to weigh one factor against another, though in the end, the self-examination and second-guessing experienced while in limbo are nothing compared to the actual hell of running for office.

"[Running for statewide office] is a

horrendous undertaking," says Assemblyman Brooks Firestone (R-Los Olivos), who is contemplating a run for lieutenant governor next year. While he has yet to experience a campaign of this magnitude, Firestone expects to suffer months of "unmitigated trauma" if he subjects

himself to the demands of this kind of race.

One sure source of statewide campaign advice for novices like Firestone comes from political consultants, none of whom will sugar coat the difficulty of running for statewide office. "Candidates have to be realistic in terms of what it means to run for these offices," says Gale Kaufman, a Democratic consultant. When approached by a potential candidate, Kaufman says she sizes up a person's commitment for traveling endlessly around the state and devoting himself or herself to the campaign trail.

The dangers of an individual's life becoming so consumed by this kind of effort also is echoed by Republican consultant Ray McNally, who says "these races drain a lot of emotion and energy" and are "a measure of the fire in a person's belly."

Candidates also receive advice and encouragement from legislative peers and leaders, or in Firestone's case, suggestions, instead, to stay put. Though the Santa Barbara-area lawmaker insists the



Pringle

which Democrats have historically controlled. "The decision to leave the district two years early does weigh on me," admits Firestone, who is not termed out until 2000.

Another kind of time concern candidates must ponder involves commercial advertising, something which can run in short supply when high-octane initiative and gubernatorial races are also in full swing. "Because these are down-ticket races, it's

Assembly Republican Caucus has been "very friendly" about his running for lieutenant governor, some would prefer he not leave his seat,

difficult getting press and advertising time," says Kaufman.

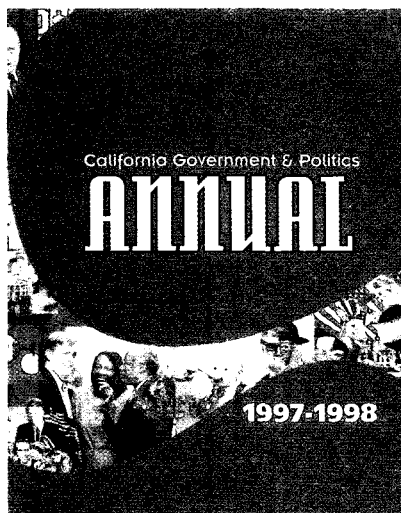
This problem, GOP consultant Sal Russo points out, extends to an inability to buy air time, even when money is available. Assemblyman Tom McClintock's (R-Northridge) 1994 campaign for state controller is one example. In the closing days of the race, McClintock's campaign had the cash to

buy television advertising but couldn't because stations' air time was already booked. This kind of frustration is something candidates have to weigh before jumping into a race, knowing they may come up short at the polls because they can't get their message out. In McClintock's case, he lost the controller's race by only 2 percent to Democrat Kathleen Connell.



Connell

Since these offices tend to suffer from acute cases of attention deprivation from both press and public, the obvious question arises: Why would politicians even consider running for them? One



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Brulte

tance — namely governor and U.S. Senate. Such an electoral jump is certainly possible, as demonstrated by Jerry Brown's leap from secretary of state to governor in 1974. It's also one reason why, according to GOI sources, Assembly Republican Leader Curt Pringle (R-Garden Grove) is weighing a run for state

controller so that he can improve his statewide name recognition for a future run at governor. Laying the groundwork for future electoral races is also something Treasurer Matt Fong — a likely Republican challenger to U.S. Senator Barbara Boxer next year — contemplated back in 1994, according to Russo.

"Matt Fong liked the office of treasurer, but he also had future political ambitions," says Russo, who adds that "statewide is a step up, no matter which office, because it allows you to establish a financial base, name recognition and build a record."

Beyond the drive for higher office, however, there exists a trade-off on policy formulation which candidates — especially legislators — must consider. For instance, Senator Jim Brulte (R-Rancho Cucamonga) is thinking about running for treasurer but isn't sure if he wants to forego the policymaking opportunities he currently has in the Legislature.

"Do I want to give up the opportunity to affect a broad range of policy issues for the opportunity to affect only fiscal ones?" asks Brulte. The question is a very important one for Brulte, who only joined the Senate this year.

But for some statewide hopefuls, the question is reversed. Senator Tim Leslie (R-Tahoe City), who has spent 11 years in the Legislature — all under

factor has to do with the perceived "launching pad" capability of these second-tier seats for others in the first row of political impor-

Democratic majorities — has grown frustrated with his lack of power to make policy changes and sees the lieutenant governor's office as a way to do more. "When it gets down to fixing the education system, fixing the transportation system, fixing any system, you're one of 120," says Leslie, "And when you're in the minority, you're not as much a part of setting the agenda, developing the answers and driving the philosophy of how we're going to address these issues."

Of course, lieutenant governor wouldn't seem to be the ideal choice for someone hungry to change the shape of public policy, and even Leslie admits to the office's reputation of being little more than a stepping stone to something higher. "Most people see it as some sort of a purgatory they need to suffer through on their way to something more



Angelides

grand or important," says Leslie. Despite the position's lack of direct political power, the senator nonetheless sees lieutenant governor as a better policy opportunity for him, with the hope of transforming the office into a bully pulpit for higher education policy changes and improving the state's business climate.

Making the decision to run for statewide office also hinges on the jockeying of other candidates. Brulte says he isn't about to run for treasurer if Fong changes his mind about the U.S. Senate and instead runs for re-election. On the Democratic side, Lieutenant Governor Gray Davis' decision to run for governor opens up his office for either former state Democratic Party Chair Phil Angelides or current Controller Kathleen Connell. Speculation is, however, that Angelides will go for treasurer — again, assuming Fong doesn't run for re-election. Meanwhile, Connell's possible decision to vacate the controller's seat makes Pringle's run for it all the more likely. One Republican staffer says Pringle is

"90 percent committed to seeking the controller seat," but only if Connell vacates the position first.

Pringle's reluctance to challenge Connell is understandable given the natural advantage incumbents have with established name recognition. Or as Democratic campaign guru Richie Ross puts it, "I tell people to go get Dr. Kervorkian if they wanna [challenge a tough incumbent]." Kaufman agrees as well, saying she never recommends that someone go into a race knowing they will lose.

It used to be, of course, that candidates would still challenge a tough incumbent, knowing the odds to be long, because the race would help expand their name identification for yet another election down the road. Fong did just that when he ran unsuccessfully for controller in 1990, a race that helped build his political stature for his 1994 treasurer victory. The problem now, though, is the diminishing returns of mounting a campaign against an incumbent because of tougher campaign finance laws.

"It's too expensive to run just for the sake of name I.D.," says Kaufman, who adds, "with campaign finance reform, those who can't partially fund them-

selves independently are at a disadvantage." With the current restrictions imposed under Proposition 208, candidates for 1998 statewide campaigns cannot begin to raise funds until this month, and only then at \$500 a contribution. Consequently, this new law makes the task of fund raising for these "down-races" all the more painful. "If you ever



Leslie



Bustamante



Firestone

had to watch someone raise the money [for statewide office], you'd be in favor of public financing," says Ross.

In the case of the potentially crowded GOP primary for lieutenant governor, the restrictions on fund raising may weigh heavily on the mind of prospective candidate Senator Richard Mountjoy (R-Monrovia), given the resources available to the other two candidates. Leslie already has amassed a war chest of \$800,000, while Firestone — a successful vintner and heir to the Firestone tire fortune — can tap into his own personal wealth, if he so chooses. (Firestone has yet to reveal his net worth, which is somewhere in the millions.)

The cost of running for these offices does not, however, come close to the stratospheric sums spent for governor (A combined \$53 million was spent in 1994 by Governor Pete Wilson and Democratic challenger Kathleen Brown). But the offices still don't come cheap and vary considerably in price. In 1994, combined candidate expenditures for each race ranged from a low of \$3 million for secretary of state to a high of almost \$11 million for treasurer. The '94 treasurer's race — which Angelides lost to Fong despite outspending him 2-to-1 — is another important consideration for candidates because it punctures the myth that one must outspend their opponent in order to win.

Along with Proposition 208, this year's residents in limbo have another new factor to contemplate: the outcome of term limits. If the current ruling throwing out Proposition 140 is overruled on appeal, or if a new law maintaining the current limits is quickly installed, then another crop of lawmakers will be out come 1998. Among those affected are Pringle, Assemblyman Jan Goldsmith (R-Poway), who's been mentioned as another candidate for controller, and Assembly Speaker Cruz Bustamante (D-Fresno), who some have approached about taking on Secretary of State Bill Jones.

Taking on Jones would be a difficult task given his incumbency and solid record in office, but according to one Assembly Democratic staffer, Bustamante "hasn't ruled it out, either." Two factors, in addition to term limits, will weigh heavily for the speaker, those being his ability to cut into Jones' Central Valley/agricultural base of support and his affinity with Latino voters. This second factor could be especially important for Bustamante if the so-called "sleeping

giant" of Latino voters stays awake through the next election, and if the secretary of state's office becomes embroiled in the Orange County voter fraud scandal which has angered Hispanics.

Since a decision regarding term limits may not come in time to affect those

termed out in 1998, Bustamante and others will most likely have to decide about running for statewide office without weighing the outcome of Proposition 140. Otherwise, they might find themselves suspended in limbo for a far greater time than any soul deserves. 🏠



1998 Statewide Rumor Mill

Here's a rundown of those individuals who either are running or are said to be thinking about running for partisan statewide office next year:

GOVERNOR:

Democrats: U.S. Senator Dianne Feinstein, Lieutenant Governor Gray Davis, former Northwest Airlines CEO Al Checchi, former White House Chief of Staff Leon Panetta, Controller Kathleen Connell
Republicans: Attorney General Dan Lungren

ATTORNEY GENERAL:

Democrats: Senate President Pro Tempore Bill Lockyer, Senator Charles Calderon, former U.S. Representative Lynn Schenk
Republicans: Chief Deputy Attorney General M. David Stirling, Orange County District Attorney Michael Capizzi, Assemblyman Charles Poochigian, Assemblyman Jan Goldsmith
Independent: Senator Quentin Kopp

LIEUTENANT GOVERNOR:

Democrats: former state Democratic Party Chair Phil Angelides, Controller Kathleen Connell
Republicans: Assemblyman Brooks Firestone, Senator Tim Leslie, Senator Richard Mountjoy, U.S. Representative Sonny Bono

SECRETARY OF STATE:

Democrats: former acting Secretary of State Tony Miller, Assembly Speaker Cruz Bustamante
Republicans: Secretary of State Bill Jones*

TREASURER:

Democrats: former state Democratic Party Chair Phil Angelides
Republicans: Senator Jim Brulte, former state Republican Party Chair John Herrington

CONTROLLER:

Democrats: Controller Kathleen Connell*
Republicans: Assembly Republican Leader Curt Pringle, Assemblyman Jan Goldsmith, Assemblyman Tom McClintock

INSURANCE COMMISSIONER:

Democrats: Senator Pat Johnston, Board of Equalization Member Johan Klehs, former state Senate candidate Jeff Smith
Republicans: Insurance Commissioner Charles Quackenbush*

(*) Incumbent

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For the two California state boating and waterways workers it was all in a day's work. If they are heroes, they are no different from the 86,000 other state workers who got the job done and helped preserve California in the face of storms and natural disasters and the worst economic emergency since the Great Depression.



Sylvia Moore

All in a day's work also are the love, hugs and medical care registered nurse Sylvia Moore has doled out abundantly for the last 18 years to students at the California School for the Deaf. On many days 150 or more children pass through the doors of the school's health unit where Moore works.

Sometimes delivering care means accompanying an ill or injured student to the emergency room. Sometimes it's meeting with worried parents. Moore is on her second generation of students now, and those former students who return to the school always go back to the health unit for one more hug. That's when you know it is all worthwhile, says Moore.

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Washington Notes

perspective

by Marc Sandalow

Can we all just get along?

The U.S. Congress has a Black Caucus and a Hispanic Caucus. There is a caucus for members from steel states, and for those supporting a flat tax. There is an Internet Caucus. So it is not a huge leap of faith to imagine that there might be a California Caucus.

There isn't.

Nearly one in eight members of the House is from California. They bump into each other in the hallway and ride the Capitol subway together. Many are good friends.

But despite rumblings that the delegation is finally coming together, finding them all in one place is as likely as spotting San Francisco Giants and Los Angeles Dodger fans at the same pep rally. It doesn't happen.

"Congress is made up of many states," quipped Representative Jerry Lewis (R-Redlands), "and California is several of them."

The closest California comes to having a club of its own is something called the California Task Force, a 23-member panel appointed by House Speaker Newt Gingrich. The task force consists of every Republican representative from California and no Democrats.

The California delegation has long been a fractious lot. Unlike states like Nevada, which has a House membership roster of two, or Texas, where members have buried their ideological differences to join forces on parochial matters, the representatives from the Golden State have never come to Washington as a united force.

The state is simply too diverse. No group that includes Republicans like Huntington Beach's Dana Rohrabacher or Newport Beach's Chris Cox, as well as Democrats such as Oakland's Ron Dellums and Martinez' George Miller, is going to sing in harmony. Its extremes have about as much in common as south Boston (represented by Joseph Kennedy) and Marietta, Georgia (represented by Newt Gingrich), noted Representative David Dreier (R-San Dimas), chairman of the California Task Force. "We not only have great geographic diversity, we have great ideological diversity."

Some trace an undercurrent of partisan bitterness to the reapportionment battle of the 1980s. It was after the 1980 census that Democrats, under the strategic mapping of San Francisco's Democratic congressman, Phil Burton, and the signature of Governor Jerry Brown, cut up the state in a jigsaw pattern that assured Democratic domination of the delegation for more than a decade. Prior to the 1982 election, Democrats held 21 seats and the GOP 20. After the new districts were drawn, the Democrat's advantage surged to 27 to 18. Republicans, a minority not only in California but in the House as a whole, felt completely shut out.

Republicans regained their parity in the 1990s as the boundaries shifted again and the size of the delegation grew.

For several months in 1995, after Compton Democrat Walter Tucker was jailed on bribery charges, the GOP actually held a one-seat advantage. Democrats currently hold a 29 to 23 seat edge, after Republicans incumbents Bob Dornan, Bill Baker and Andrea Seastrand lost in 1996.

Now, with at least lip service being paid to a new era of bipartisan civility in Washington, there are those who insist that the California delegation is finally coming together. Delegation boosters note that 42 members recently attended a lunch together to discuss the electrifying topic of utility deregulation. "Californians Getting Along," read the headline in the Washington-based *National Journal*.

The delegation also claimed success for helping to scuttle a plan to cap Medicaid payments, a policy which California officials said would have penalized the state for its past spending restraint, and rewarded inefficient states like New York for their past exorbitance.

"I think the atmosphere is better than it's been," said Dreier. "I think we are closer than I've ever seen it."

There is an easy explanation for the recent harmony. The shrinking pie of federal disbursements has forced a new reality upon elected officials, and they have finally found a cause they can support — more federal money for the state. Even the California Legislature got in on the bipartisan love fest last month, on their annual lobbying pilgrimage to Washington.

"We have our disagreements back home," said Assembly Republican Leader Curt Pringle (R-Garden Grove), in a friendly conversation with Democratic Assemblyman Kevin Shelley of San Francisco. "But here in Washington, where the federal law disadvantages California, we are certainly united."

It certainly makes political sense for Californians to band together. With 52 members, it is by far the largest delegation. Its clout is unparalleled. If they chose to vote in unison on matters such as disaster relief, immigration reimbursement, allocation of gas tax dollars or education funds, they would be a pivotal force.

Not that anyone should get carried away with the harmony. The difficulties were evident in an awkward moment last month when California Senator Dianne Feinstein extolled the virtues of the nation's trade relations with China to a group of lawmakers visiting from Sacramento. Seated five rows in front of Feinstein was Representative Nancy Pelosi (D-San Francisco) who has made criticism of those very policies a cornerstone of her legislative career. Pelosi squirmed in her seat but held her tongue.

If the two leading ladies of San Francisco politics cannot agree, it is unreasonable to picture Rohrabacher, Cox, Dellums and Miller breaking bread on such issues as immigration and welfare. 🏠

Marc Sandalow is the San Francisco Chronicle's Washington Bureau Chief.

CALIFORNIA

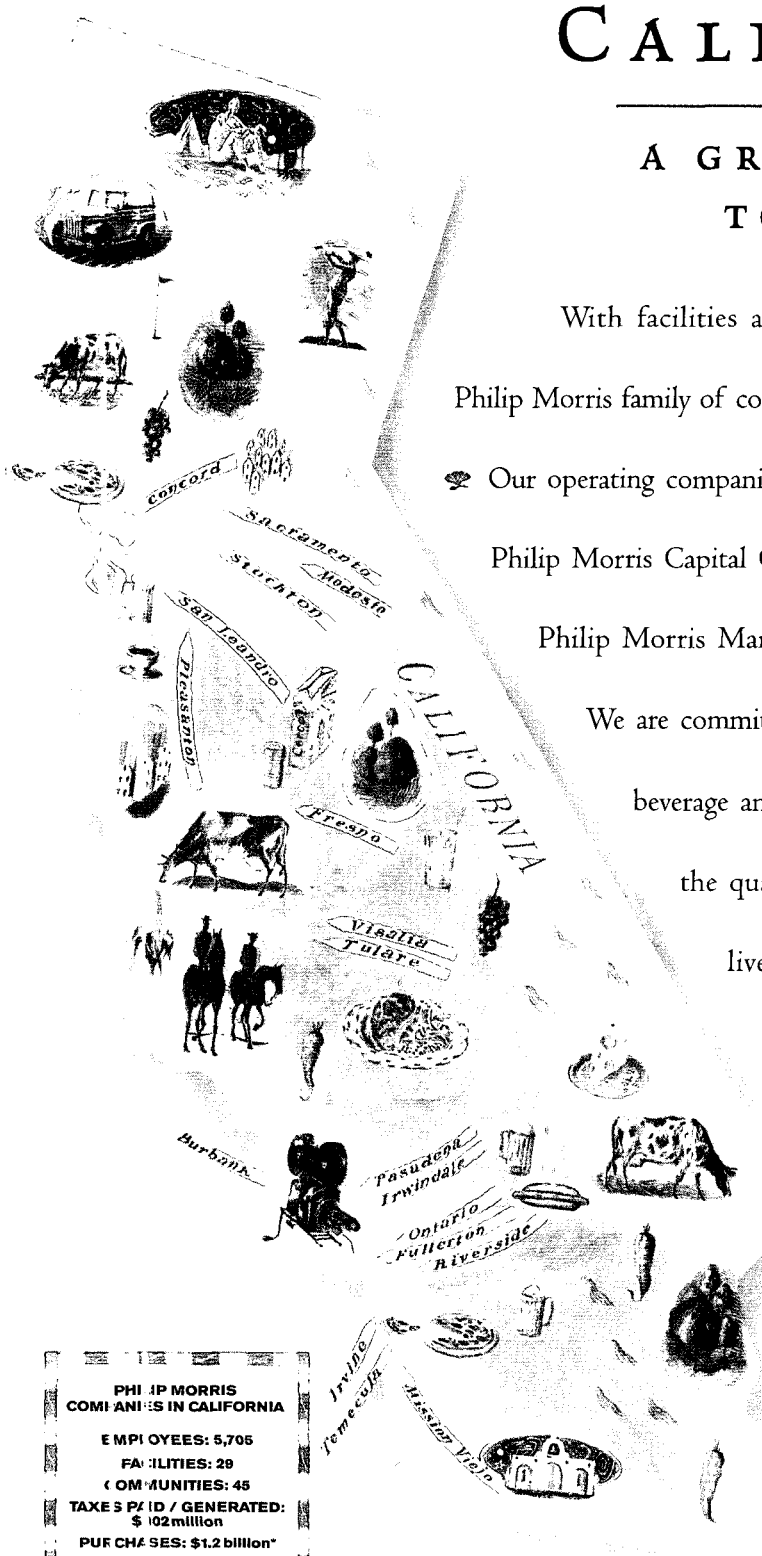
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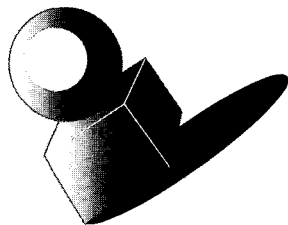
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